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ABSTRACT

The objective of the August 16, 1978, United States Senate hearing was to determine reorganization plans for the Bureau of Indian Affairs (BIA). The Assistant Secretary of the Interior for Indian Affairs, two Deputy Secretaries, and Mr. Charles Trimble of the United Effort Trust testified before the Select Committee on Indian Affairs. The Assistant Secretary, Forrest J. Gerard, submitted and summarized a lengthy report of Phase I (Planning) of a 3-phase operational plan for reorganization along the lines of 36 BIA Task Force recommendations presented March 31, 1978, and included in the hearing record. He reported that BIA review teams from Headquarters, area offices, and the field had translated the recommendations into "decision documents" containing alternate approaches, action plans, and timetables for each recommendation. He noted the completed implementation of two recommendations (staffing of Assistant Secretary's office and institution of performance evaluation systems). Finally, Mr. Gerard stated that action was underway on approximately half the recommendations, notably those dealing with the superintendents' role, the BIA manual, resource allocation, and certain appointments. He further proposed selection of a full-time project manager to oversee implementation and reported that decisions on all 36 recommendations were expected by September, 1978. Mr. Trimble commented on several aspects of the BIA's progress. (SB)

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STATUS OF THE BUREAU OF INDIAN AFFAIRS REORGANIZATION

HEARING

BEFORE THE

UNITED STATES SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

OVERSIGHT ON THE STATUS OF THE REORGANIZATION OF THE BUREAU OF INDIAN AFFAIRS

AUGUST 16, 1978

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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STATUS OF THE BUREAU OF INDIAN AFFAIRS REORGANIZATION

WEDNESDAY, AUGUST 16, 1978

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 5110, Dirksen Senate Office Building, Senator James Abourezk (chairman of the committee) presiding.

Present: Senator Abourezk.

Staff present: Alan Parker, chief counsel; Karl Funke, assistant counsel; George Yaksic, professional staff member; Ella Mae Horse, professional staff member; and Michael Cox, minority counsel.

Chairman ABOUREZK. The hearing will come to order.

The first witness is Assistant Secretary of the Interior for Indian Affairs Forrest Gerard.

I have an opening statement which I will put in the record.

[Chairman Abourezk's prepared statement follows:]

OPENING STATEMENT OF SENATOR ABOUREZK

This is the fifth hearing this Committee has conducted on the subject of BIA reorganization. The last time we discussed this matter with representatives of the Department of the Interior, Under Secretary James Joseph and Assistant Secretary for Indian Affairs, Forrest Gerard, was on April 12 of this year. At that time, the Department of the Interior had recently released the report to the Task Force on BIA Reogranization. As the record will show, this Committee maintains a keen interest in the subject of BIA reorganization based on report after report which have demonstrated that serious problems exist regarding the ability of this agency to meet its responsibilities. In that regard, the question of BIA area office line authority continues to be an issue which the Committee regards as very crucial to the subject of BIA reorganization. Time and again, witnesses before this Committee have stated that in their opinion the fact that area office directors continue to exercise a broad range of authority with very little potential for accountability has resulted in a stifling system of abusive practices.

At the April hearing, BIA and Interior Department witnesses announced their intentions to distribute the task force report to all tribes and solicit comment from Indian tribes and the public for a 60-day period. Following this period of comment, as I understand their announced schedule, a 30-day period would be utilized to evaluate comments received and develop action plans around which a final decision could be made regarding implementation of the recommendations in the Department's task force report. In short, this Committee was informed that "on or about August 1," the Department would be prepared to announce which recommendations would be implemented and how.

We await with interest the presentation of the Department.

Chairman ABOUREZK. This hearing is called pursuant to a previous hearing we had in April of this year at which time Under Secretary Joseph and Assistant Secretary Gerard stated that by August 1 they would have a plan ready to go for reorganization of the Bureau of Indian Affairs.

This hearing is held to try to determine what that plan is.

So, Mr. Gerard, please proceed.

STATEMENT OF HON. FORREST J. GERARD, ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS, ACCOMPANIED BY RICK LAVIS, DEPUTY ASSISTANT SECRETARY; AND GEORGE GOODWIN, DEPUTY ASSISTANT SECRETARY

Mr. GERARD. Mr. Chairman, we have provided committee staff with copies of my formal statement. With your permission, I would prefer to highlight that statement and submit it for the record.

Chairman ABOUREZK. That is fine. I have not yet read the prepared statement, but I will have a chance to.

Mr. GERARD. Mr. Chairman, before I proceed, I would like to make two points:

First, my team and I do not consider our efforts to be a further study of the serious problems that we all know exist in the Bureau of Indian Affairs.

Second, none of us, individually or collectively, are resisting change within that system. On the latter point, I would not deny that there are elements within the Bureau who are resistant to change. But, in terms of my team, we are dedicated to change.

First of all, I appreciate the opportunity to provide for the record a status report on BIA reorganization.

Chairman ABOUREZK. May I say, Mr. Gerard, in response to that that a famous Attorney General once said, "Don't judge us by what we say; judge us by what we do."

Mr. GERARD. I think that is a fair statement.

Chairman ABOUREZK. I am waiting for you to do something so we can judge you on it.

Mr. GERARD. I think the record reflects that I am committed to an advocacy role as the Assistant Secretary for Indian Affairs, but effective advocacy, in my view, calls for strengthening of the trust responsibility of the Bureau and improving the delivery of services. Only through this approach can we hope to assist the tribes in strengthening tribal governments to exercise self-determination.

I do not think there is much point in redefining the problems calling for reform in the Bureau of Indian Affairs. Your own American Indian Policy Review Commission has done a thorough job in that regard and so have congressional committees, the GAO, and certainly the Indian people themselves. Out of that need the Secretary of the Interior established a task force in December 1977. That task force is charged with the responsibility of making recommendations to the Secretary for improving the management structure, systems, and principles of the BIA to make it a more effective instrument for accomplishing its missions and objectives.

I, personally, had an opportunity to state my views to that task force in February 1978; it is a matter of record.

On March 31, the task force completed its work and submitted to the Secretary 36 specific recommendations for either structural or procedural change. The recommendations were published in the

Federal Register for a 60-day public comment period. In order to assure that the tribal leadership had access, we made a separate mailing of that report to them.

On April 12, Under Secretary Joseph appeared before this committee to discuss the Department's task force report. At that time, he mentioned a general timetable for reorganization action: First, implementation of those recommendations that could be carried out immediately before August 1, 1978; and, second, after August 1, decisions were to be made regarding the implementation of the balance of the recommendations.

Following the April hearing, Mr. Chairman, I initiated an operational plan calling for Bureau action. This plan was put into effect on April 14 and involves three phases: First, review of planning; second, implementation; and, third, monitoring and evaluation.

I would like to highlight the review of planning phase.

In July, selected teams completed their analyses of the comments on the recommendations and submitted plans to translate the 36 report recommendations into documents for decision. This work has provided us with alternative approaches for each recommendation with specific action plans and timetables.

I would like to say just a word about those review teams. We made a decision that we wanted to have a good cross-section of Bureau of Indian Affairs personnel involved. We assigned individuals from headquarters, the areas, and the field. We disregarded high grades. We had grade fives working with professionals in order to try to get a good cross-section in that review process.

At the April hearing, the Under Secretary of the Interior also indicated that a decision meeting involving the Secretary, the Under Secretary, and myself would occur in August. That proposed meeting has been moved forward to September for what I believe to be good reasons.

First of all, like your committee, we were deeply involved with the "longest walk" in the month of July. I think it is fair to say conservatively, we probably invested a couple of weeks of intense meetings and followup in dealing with that activity.

Second, both the Secretary and the Under Secretary have run into scheduling complications; but that meeting will occur in the month of September. At that time we will make a final decision on the balance of the recommendations.

Actions are underway on more than half of the 36 recommendations. I would like to just provide a brief overview.

I have recently completed the staffing of my immediate office. I have a range of specialists to guide and assist me on an array of trust and program activities. I think we have been placed in a position of pioneering a new position with the Department—that of Assistant Secretary. This has led to a number of operational complications. People in the Bureau still have difficulty accepting the fact that the functional head should now be dealing more in policy than day-to-day operations.

We are moving ahead to allocate resources to address two major issues. One is the consolidation of training and technical assistance at a centralized location, and management and audit of central and area offices. Moving forward on management orientation training, we have taken steps to try and revitalize the superintendent's role.

I found it somewhat deplorable on arriving at the Bureau to learn that the headquarters program directors, as well as the area staffs, had repeated meetings and opportunities for training, our front-line operators—the superintendents—had not even had a meeting within the past 7 years. We moved quickly to get them together. We have let them establish a superintendent's committee that has worked closely on the reorganization. We are moving on a training and orientation program for that group of people.

Your own American Indian Policy Review Commission report, I believe, highlighted the outdated manual system at the Bureau of Indian Affairs. The manual should really serve as the bible for the superintendents and those operating at the area level.

I have issued a mandate requiring a plan for the updating of those outdated documents. I would suggest that this is but one other example of how policy direction has been allowed to deteriorate in the Bureau over the years. To indicate my seriousness on receiving that plan, I am canceling all travel for affected headquarters personnel until I receive those plans to update the manuals.

Two new appointments are imminent. One is the Director of Office of Indian Education, and two is Tribal Resources Development. We have undertaken a talent search. We think we have two outstanding Indian candidates for those posts and we expect to announce them shortly.

Turning to phase 2 on implementation of the task force report: Both Deputy Assistant Secretary Goodwin and Deputy Assistant Secretary Lavis and I recognize that, because of the day-to-day demands on our own time and energies, we will not be able to follow the reorganization in detail. What we are proposing and will follow is the selection of a project manager—a full-time person—to oversee the implementation. In this connection, we have been very encouraged at the assistance and the support that we have found from the management side of the Office of Management and Budget. They have helped identify a number of candidates for this important post. We will make that selection shortly.

Additionally, there will be a small core staff to assist that project manager in the implementation of the task force recommendations. We hope to utilize our newly created area directors, central office, task forces as well as the superintendent's committee and, of course, we will be in constant contact with the Indian community.

Mr. Chairman, I would like to ask that you refer to pages 9 and 10 of my prepared statement. I do not expect you to read it at this time. I point out what we think are some of the other factors that we have had to contend with in the period of time that we have been at the Bureau.

Chairman Abourezk. At this point we will insert your prepared testimony in the record.

[The prepared statement of Assistant Secretary Gerard follows:]

STATEMENT OF ASSISTANT SECRETARY FORREST J. GERARD TO THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS ON STATUS OF BIA REORGANIZATION, AUGUST 16, 1978.

Mr. Chairman:

Thank you for the opportunity to present for the record testimony on the status of BIA Reorganization. During my September 1977 confirmation hearing, I stated to the Committee, and have restated to the Congress many times since, my commitment to serve as an effective advocate for American Indian and Alaska Native people. Effective advocacy requires efficiency, organization and strengthening of the Bureau's two fundamental responsibilities: 1) trust resources management, in partnership with Indian governments, and 2) delivery of services to Indian tribes and individuals.

Protection of Indian rights, expanded resource management, new approaches to management, better methods of planning and improved delivery systems — all are called for within the Bureau to strengthen tribal government capacity in keeping with the self-determination policy. These necessary Bureau improvements have been documented by numerous reports, studies and investigations, which include the American Indian Policy Review Commission Report, many General Accounting Office and Congressional committee reports and investigations, Civil Service Commission evaluations and, most importantly, critical assessments from the Indian community itself. All of these documents point out many constructive reforms to improve Bureau operations.

This need for reform led to the establishment of the Secretary's Task Force on Bureau of Indian Affairs Reorganization in December 1977. Designated under the Federal Advisory Committee Act (P.L. 92-463), the BIA Reorganization Task Force was charged with responsibility for making recommendations to the Secretary for improving the management structure, systems and principles of the BIA, so that the Bureau might be a more effective instrument for accomplishing its mission and objectives.

In February 1978, I was invited to meet with the Task Force to share my views and concerns about BIA management and structure. My position then was that any organizational changes should be fundamental — not cosmetic. This basic principle still applies, for it is easy to move boxes and titles on an organizational chart, but the victims of such impulsive actions would be the Indian people themselves. I will not allow this to happen.

The March 31, 1978 Task Force Report made 36 specific recommendations for either structural or procedural changes in the Bureau. They were published in the Federal Register for a 60-day public comment period.

On April 12, 1978, Under Secretary Joseph appeared before this Committee to discuss the Department of the Interior Task Force Report. At that time, the Under Secretary reemphasized the need for extensive improvement in the management of

Indian programs by carefully planned actions. He then presented a general timetable for reorganization action. Implementation of those recommendations which the Secretary felt could be carried out immediately, and on which there was specific comment, was to proceed before August 1, 1978. After August 1, decisions were to be made regarding the implementation of the balance of the recommendations. The Under Secretry also reminded the Committee of the various reorganizational efforts in both branches which would undoubtedly have an impact upon Bureau focus, schedules and implementation actions.

Following the April hearing, I inititated the preparation of an operational plan for Bureau action. The plan was put into effect April 14, 1978, and called for three phases: 1) review/planning, 2) implementation, and 3) monitoring and evaluation.

Phase I - Review/Planning was completed in July by teams of personnel selected to analyze comments and translate the 36 report recommendations into documents for decision. These materials provided a number of alternative approaches for each recommendation, with specific action plans and/or timetables. Following the completion of these documents, several management reviews have now taken place.

The Under Secretary's statement at the April hearing indicated that a decision meeting would take place in August. That proposed meeting with the Under Secretary and Secretary has been moved forward until early September for several reasons. Our involvement in July associated with the "Longest Walk" activities and scheduling complications in August for both the Secretary and Under Secretary have necessitated the time change. Implementation actions on procedural subject recommendations are continuing and plans for implementation on remaining recommendations are in process. The structural subject recommendations are those slated for discussion and decision in the September meeting.

Actions on more than half the 36 recommendations are now underway. I would like to present a brief overview on the status of the recommendations.

Most of my immediate staff is now on board in areas of specialization recommended by the Task Force Report. They advise me on specific issues and assist me to initiate policy, to set priorities and to develop long-range planning, as well as to attain inter/intra governmental outreach as the Administration's principal advocate for Native American tribes and peoples. I have officially recommended that the position of of Commissioner of Indian Affairs be filled, in order to provide a single operational head for the Bureau. I have attended many intertribal and Indian organizational meetings to gain their views, and am pleased by the commonality of agreement on many issues. The Indian Record publication has been reinstituted as one official way to communicate Bureau happenings to Bureau employees, tribes and Indian groups. Several Area Office visits have been made, providing me a first hand look at field operations. In addition, regional meetings for key Bureau officials have been initiated as a part of the very important communications network system to keep us informed and to inform people of our actions.

We propose to allocate resources to address two issues: the consolidation of training and technical assistance at a centralized location and the management auditing of Central and Area Offices. Issues and specific recommendations regarding Area Office roles and responsibilities will be dealt with in terms of management accountability and change of functions as technical assistance operations only after careful analysis and planning. And, it bears restating that mere movement of organization boxes is not reorganization and will not serve any useful purpose for the people we serve. We seek to cure the operational cause, not treat the institutional symptoms, of Area Office or Central Office dysfunction.

Plans are underway to build new — or to reinforce existing — systems so that the quality of leadership expertise is the rule rather than the exception. Performance evaluation and management development are integral aspects of the overall personnel management system that need enforcement.

Superintendent positions are invaluable to the Bureau mission and to the implementation of the policy of decentralized government~~s~~. Therefore, I have authorized the development and implementation of selective training for new superintendents as an ongoing process that will eventually lead to regular management training for all Bureau managers.

Of primary importance is the development and dissemination of policy through a formal directive system. I have asked for a plan to schedule the updating of Bureau manuals that serve as the policy communication vehicle to key officials, as well as to all support staff. These out-dated documents that are critical to policy direction at the reservation level are but one example of how policy direction has been allowed to deteriorate in the BIA system over the years. My two Deputy Assistant Secretaries are chairing the Automatic Data Processing/Management Information System (ADP/MIS) review board. They have responsibility for identifying program-user needs to establish equipment requirements. In regard to a budget system based upon tribal needs, the proposed FY 1980 Budget will provide for the identification by location.

We have recruited and shortly will announce the appointments of new Directors for the Office of Tribal Resource Development and Office of Indian Education. Specific changes in these program areas will need to be addressed by the new Directors, concurrently with other program office issues: Education work groups comprised of key education field personnel are addressing such issues as education goals and priorities, and Area and Agency Office staffing patterns. A revised organization plan for Central Office education programs has been developed and is being reviewed at this time.

The creation of an Indian Affairs advocacy post at the Assistant Secretary level has the major benefit of calling attention to Secretarial reaffirmation to self-determination and trust responsibilities policies. Part of this position's responsibility is to insure that tribal self-development measures — such as opportunities for employment, education, and other quality-of-life attainments — become a reality. One step in this direction is the establishment of an Indian/Alaskan Skills Data Bank, to assue that job opportunities are made available through a comprehensive career/skills system. We will soon be meeting with other interested parties to determine how to best design a skills bank to meet a variety of tribal, federal or public needs.

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As you might allow, Mr. Chairman, we have pursued, wholeheartedly, implementation of many of these Task Force recommendations. We will now officially begin Phase II - Implementation by the designation of a Project Manager and small staff to monitor current implementation efforts and to facilitate new ones. The full-fledged implementation will employ a management-team approach which includes the recently organized Area/Central Office Director Committees and Superintendent Committee. They will be actively involved in issue-identification, problem-solving and decision-making. At the same time, tribal consultation will serve as a viable, continuing influence on Bureau decisions.

The preceding chronology of events, Mr. Chairman, highlights the extensive procedural steps we have taken in Phase I of the Bureau reorganization (review and planning). I am aware of the opinions and concerns that reorganization is not occurring at sufficient speed to evidence our priority commitment to the process.

With your indulgence, Mr. Chairman, permit me to address a few of the issues we have faced during the past year, each one of which is a priority on the Indian agenda of first and foremost critical issues.

When I assumed office, I was appalled by the volume and scope of inherited problems that prior Administrations were either unable or unwilling to resolve. In addition to this unaddressed legacy, new issues surfaced in our dynamic field, demanding our attention, time, energy and efforts. Selected examples of issues in the two categories are: Indian water policy development and implementation; fishing rights and resource management in the Northwest, Michigan, California and elsewhere; Indian land rights and Non-Intercourse Act cases in the Eastern United States; ANCSA trust issues and Alaska Native subsistence hunting rights in regard to bowhead whales and migratory birds; law enforcement and rights protection policy assessment and review, particularly in light of the Supreme Court decisions in Oliphant and Martinez; responsive consideration of myriad GAO audits; P.L. 93-638 contract support; early depletion of general assistance funds to meet Indian welfare needs; expedited processing and filing of statute of limitations claims under 28 USC 2415; tribal claims to the Arkansas and Columbia Riverbeds; U.S.-Canadian treaty negotiations providing for a fish resource allocation for Indian tribes; transfer of BIA schools to the State of Alaska; development of school construction priority lists, an audit of JOM basic support allocations to public schools; development of federal-tribal recognition regulations; oil, gas, coal and uranium leasing, and overall energy resource development and protection measures; especially complex tribal situations requiring immediate attention, such as Crow and Duck Valley constitutional crises; the "Longest Walk" and the legislative challenges to Indian rights highlighted by its participants; and so on and on.

As this Committee well knows, this is only a partial litany of issues and problems confronting this Administration. By this recitation, I simply wish to apprise you of the fact that we are addressing issues. BIA reorganization is one of these essential issues. I assure you that my staff and I are proceeding on the initiatives I have set to address these challenges.

Other events also demand time and attention: recruiting and selecting executive staff and special assistants; modifying the top management echelon of the Bureau and going through a personnel adjustment period that must allow for transition to a different management style; developing, rebuilding and extending new lines of communication, confidence, and responsibility with the Department, Indian governments and individuals, OMB, the White House and the Congress; and, coming to grips with Bureau dysfunctions caused by a lack of Central Office leadership, purpose, vision, and humaneness.

A major part of our organizational energies over the past six months were focused on the FY 79 and the FY 80 budget process. My key staff and I were determined that the past travesties associated with presenting, misrepresenting and defending the Bureau's budgets were not going to be repeated during my Adminstration. The hours and energies invested by myself and my two deputies and their directorates indicate we have attempted to effectively state our needs before the Congressional Committees. Thus far our efforts appear to have been reasonably successful, in that we have not suffered the searing indictments the Appropriations Committees have handed the Bureau in the recent past.

Overriding all issues, there is one fundamental task I have as Assistant Secretary for Indian Affairs. My major role and responsibility is to insure the advocacy for the fiduciary relationship that exists between the federal government and tribal governments. Keeping this point in mind, we will place Bureau reorganization processes into proper perspective, considering the demands on the advocacy role. Making the Bureau work as a responsive tool for tribal governments to achieve self-development is also on a par with my trust-advocacy role.

Mr. Chairman, if I must make a choice between a reorganization effort or my working with Departmental decision-makers on trust responsibility issues, I can assure you my attention will be with the latter.

Under your chairmanship, you can rightfully take full credit and responsibility for keeping Indian and Bureau issues in the forefront. The substantive work of the American Indian Policy Review Commission attests to your personal leadership and dedication to that cause. However, Mr. Chairman, I want to emphasize that the manner and pace of making organizational changes in the Bureau is a management prerogative. I regret, but offer no apology for the fact that my schedule and management style are not suitable to some Indian advocates outside the Department. Realistically, BIA reorganization must occur under the discretion of the Department's principal advocate for Indians and Alaska Natives, if lasting change is to be made at all.

My staff and I are moving ahead on a logical and developmental sequence of events leading toward stabilizing the functional system for the beneficiaries and for better government generally. This is not a "crash" program effort. Rather, this is the initiation of a process to institutionalize change that can be passed on to our successors. Many of these issues were being addressed before the Reorganization Report was released on March 31. In fact, some of the AIPRC recommendations are being addressed as part of our management approach: emphasis on the integrity of funds; joint funding simplification; budget by location; human resources development; improving management-employee communication; initiating management information systems user needs to guide ADP requirements; facilities inventory and management; and others are in varying stages of implementation.

Our Administration is not committed to the status quo, nor is it a defender of historical precedent. We are committed to meaningful and purposeful change that deals with the realities of the bureaucracy and the realities that we cannot be or do all things to all people. We are addressing basics in management functions, in organizational development, in human and fiscal resources, in intergovernmental relations, and in performance accountability. As a prerequisite to these, my staff and I have to deal with the realities of the various checks-and-balances systems, the bureaucracy, the travel and personnel ceilings, the employee unions, Indian preference, tribal government initiatives, personnel rules and regulations, and oversight responsibilities of the Congress. In considering these realities, if there are other alternatives that are quicker, better, and easier, then I would welcome these suggestions. In the day-to-day problems we face in the Bureau, I can assure you there are no "easy" answers when we ask the right questions. They are not "easy" because any change ultimately affects those at the receiving end of the delivery system - the Indian tribes and peoples.

In closing, Mr. Chairman, I would like to summarize the status of the Bureau's reorganization. The Departmental Task Force presented us with a blueprint for change on March 31. This blueprint provided some guidance for needed structural and functional organizational changes. For 45 days, Bureau teams worked to present options for each of the 36 recommendations along with accompanying action plans. Their work was commendable.

Over the past three weeks, my Deputies and I have been briefed on these options by the team coordinators. In early September, my staff and I will meet with the Secretary and Under Secretary to review and make decisions on the remaining recommendations. I look forward to coming before this Committee at the end of this calendar year and reporting further on Phase II - Implementation of the Bureau of Indian Affairs Reorganization.

Mr. Chairman, this concludes my formal remarks. I am prepared to answer any questions from the Committee.

Mr. Gerard. When I assumed office, quite frankly, I was appalled at the volume and scope of inherited problems that prior administrations were either unable or unwilling to resolve. In addition to this backlog, new issues surfaced.

I have given a whole array of things that occurred: Fishing rights in the Northwest, Michigan, and California; eastern land claims; the need to develop the water policy; new challenges growing out of the *Oliphant* and *Martinez* cases; depletion of contract support and general assistance funds; and on and on.

The point I am trying to make here is that I believe that we have been addressing issues including reorganization but that we have had to do this within some context in light of the demands that have been coming at us that we found on our desks when we arrived.

There are a couple of other demands that I believe are worthy of attention. I am sure you and the committee staff are fully aware of the indictments that were handed down on the Bureau's performance by the Appropriations Committees in both the House and the Senate a year ago. I think much of that was justified in the Bureau's failure to perform adequately at those hearings.

We were determined that our administration would not face the same kind of indictment. We invested considerable time with the two deputies and their directorates. I think that the action to date certainly indicates that this was time well invested and that we have not received the searing indictments that were handed to the [illegible] a year ago. We are currently awaiting the final action of the [illegible] committees on the 1979 budget.

Mr. Chairman, I believe that it is fair to say that, under your chairmanship, you can rightfully take full credit and responsibility for keeping Indian and Bureau of Indian Affairs issues in the forefront. The work of your own American Indian Policy Review Commission attests to that leadership and dedication.

However, I want to emphasize that the manner and pace of making organizational changes in the Bureau is a management prerogative. I regret, but offer no apology, for the fact that my schedule and management style are not suitable to some advocates outside the Department of the Interior.

My staff and I are moving ahead on a logical development of events. We do not view it as a crash program or effort. Rather, this is an initiation of a process to institutionalize change that can be passed on to our successors.

I believe that we have to deal with the world of reality, including the various checks and balances of the system: The bureaucracy, the travel and personnel ceilings, the employee unions, Indian preference, tribal government initiatives, personnel rules and regulations, and oversight responsibilities of the Congress. In considering these realities, if there are other alternatives that are quicker, better, and easier, we would welcome those suggestions.

In closing, Mr. Chairman, I would like to summarize the status of the Bureau's reorganization.

The departmental task force presented us with a blueprint for change on March 31. This blueprint provided some guidance for needed structural and functional organizational changes. For 45 days, Bureau of Indian Affairs teams worked to present options for each of the 36 recommendations together with accompanying action plans. I consider their work commendable.

Over the past 3 weeks, my two deputies and I have been briefed on these options by the team coordinators. In early September, we will meet with the Secretary and Under Secretary to make final decisions on the remaining recommendations.

I would hope that at this hearing that we could hear from Mr. Goodwin and Mr. Lavis as well. Both of them cochair an important automatic data processing management information system committee. Without improvements in that area, I think that a lot of our work will be for naught.

Mr. Chairman, this concludes my overview. We would be happy to respond to questions.

Chairman **Abourezk**. Before we hear from your two deputies, I would like to ask some questions.

I think you said in your statement that Under Secretary Joseph had committed to an August 1 deadline of implementing decisions. I think you said sometime after August 1 you would be able to report on whether decisions will be made about implementation of the balance of the recommendations.

Under Secretary Joseph said specifically:

> Prior to August 1 we will proceed to implement those recommendations which the Secretary feels can be carried out immediately and on which there is sufficient comment. On or about August 1, decisions will then be made regarding the implementation of the balance of the recommendations.

Now, would you tell the committee which recommendations you have implemented?

Mr. **Gerard**. We have a status report, Mr. Chairman.

Chairman **Abourezk**. If you would just tell me which recommendations you have implemented.

Mr. **Gerard**. Mr. Goodwin?

Mr. **Goodwin**. The recommendations, Mr. Chairman, that we are referring to are these:

Recommendation No. 2 has been completed. The Assistant Secretary has pulled together a relatively small staff of special assistants to work with him. That has been completed.

Chairman **Abourezk**. These are recommendations out of your own task force report?

Mr. **Goodwin**. That is right.

Chairman **Abourezk**. The report from the BIA reorganization task force will be made an appendix to the record.

[See appendix.]

Chairman **Abourezk**. What page are those recommendations on?

Mr. **Goodwin**. The summary of the recommendations can be found on page Roman numeral IV-1.

Chairman **Abourezk**. The one that you are speaking to now is located where?

Mr. **Goodwin**. On the bottom of the page under "Central Organization" item No. 2.

That recommendation has been completed.

Chairman **Abourezk**. That recommendation is: The Assistant Secretary should have a relatively small immediate staff reporting through an executive assistant.

You have completed that?

Mr. **Goodwin**. That is correct.

Chairman **Abourezk**. What else have you completed?

Mr. **Goodwin**. Recommendation No. 3: An informal communication process should be established where regular informal communications can flow.

That action is underway. We have reinstituted a number of things. We have created the superintendent's committee, whereby the Assistant Secretary, myself, and the other deputy meet periodically with these committees to brief them on actions that we are taking and also to get their advice and consultation on other matters pending. We have also created a similar committee with the area directors. The third process that we have initiated is the revitalizing of the Bureau paper, the Indian Record, as a communications channel to Bureau employees. So, that action is underway.

Recommendation No. 4: "Public Law 93-638, organizational placement——"

Chairman **Abourezk**. "To reflect the high level of commitment to self-determination on the part of the Bureau, program and policy implementation of Public Law 93-638 should be placed under the Deputy Assistant Secretary for Policy Planning and Evaluation."

Mr. **Goodwin**. This has been partially initiated.

Chairman **Abourezk**. Partially?

Mr. **Goodwin**. Yes.

My full range of responsibility is not for policy planning and evaluation. However, the Office of Indian Self-Determination, which is the policy office for Public Law 93-638, is under my direction for coordination supervision.

So, that is partially implemented.

Recommendation No. 5 is a lengthy recommendation.

Chairman **Abourezk**. "Administration of existing training programs in special facilities should be consolidated under the Deputy Assistant Secretary for Operations (Commissioner) so as to improve the training and technical assistance capabilities of the Bureau immediately to meet the needs of its personnel and of Indian tribal governments and Alaska Natives; and these functions should be physically consolidated at a centralized location."

Has that been fully implemented?

Mr. **Goodwin**. This has been partially implemented.

Chairman **Abourezk**. Which part?

Mr. **Goodwin**. The funding has been proposed in the House Appropriations Committee and supported in the Senate to add to our budget money to implement in fiscal year 1979 the centralization of training and technical assistance efforts. We plan to have that program operational——

Chairman **Abourezk**. What would the additional money you have requested accomplish?

Mr. **Goodwin**. The additional money would be to centralize our training and technical assistance efforts that we have currently fragmented throughout the Bureau. We have identified numerous technical assistance and training activities going on in the Bureau of Indian Affairs. This proposal would consolidate many of those proposals.

Chairman **Abourezk.** If you are consolidating, would not that save money by consolidation rather than costing more?

Mr. **Goodwin.** Yes; it will also save money.

Chairman **Abourezk.** Why do you need to ask for more money? I do not understand.

Mr. **Goodwin.** The additional money will be to begin the planning and implementation of a centralized training facility.

Chairman **Abourezk.** That is personnel training; is that correct?

Mr. **Goodwin.** No; this would be for Bureau of Indian Affairs personnel and also tribal employee training.

Chairman **Abourezk.** Please continue.

Mr. **Goodwin.** That is partially underway.

Recommendation No. 6: The strengthening and moving of the management research and evaluation unit.

That decision is pending on the alinement of the two deputies and whether a commissioner will be established. When that decision is made, then we would be able to recommend——

Chairman **Abourezk.** But that has not been implemented yet?

Mr. **Goodwin.** No; it has not.

Chairman **Abourezk.** Well, in effect, No. 5 has not been implemented yet.

Mr. **Goodwin.** It is partially implemented.

Did you just want to get through the ones that have been implemented?

Chairman **Abourezk.** Yes; I would like to.

Mr. **Goodwin.** Recommendation No. 11: In summary, that deals with performance evaluation systems. Top management should institute a system of positive incentives including monitoring, promotion, and rotation policies to enhance performance, effectiveness, advancement opportunities, and general management versatility of executives at all levels in BIA operations.

We are currently undergoing performance evaluations. We have completed one at the Phoenix area office. We will be scheduling one later on this month at the Juneau area office. The Billings area office has been completed.

When those are complete, then we can go forward with some recommended changes on personnel systems, training systems, and overall personnel management improvement programs.

Chairman **Abourezk.** Would you say that is fully implemented?

Mr. **Goodwin.** Yes. We have a schedule. We plan to do three or four of these a year.

Chairman **Abourezk.** All right.

Mr. **Goodwin.** Recommendation No. 13: The Secretary of——

Chairman **Abourezk.** The Secretary of Interior could periodically state publicly his support and his own dedication to the principles of Indian self-determination and ongoing trust responsibility to provide credibility to the determination of the Department of the Interior to make the most of the capacities of the BIA.

Mr. **Goodwin.** That has been ongoing.

Chairman **Abourezk.** You mean the Secretary continually states publicly his support.

That's nice.

Mr. **Goodwin.** Recommendation No. 15 deals with our budget.

Chariman **Abourezk**. "The budget system should be redesigned so that it is soundly based on needs determined at the reservation or local level with a variety of funding sources effectively integrated to meet those needs."

Has that been fully implemented?

Mr. **Goodwin**. We have, in 1980, redesigned our budget system based on location, which we believe can incorporate in it integrated funding at the local level——

Chairman **Abourezk**. As of 1980?

Mr. **Goodwin**. In the 1980 budget process; right.

Chairman **Abourezk**. That would be starting next January?

Mr. **Goodwin**. Right; fiscal year 1980.

Chairman **Abourezk**. That is October of next year.

Mr. **Goodwin**. Yes.

Chairman **Abourezk**. In other words, you will implement this as of October of next year?

Mr. **Goodwin**. That is correct.

Chairman **Abourezk**. How will that work? Will you tell me in more specific detail how that will work?

Mr. **Goodwin**. In preparing the 1980 budget, we needed to pull together a system that was an alternative to the band analysis system. The band analysis system shows the budget along functional activities to the Congress. In other word, we ask for so much money in education, so much money in social services, and so on and so forth. The 1980 budget process—we will be planning our budget by location. In other words, there will be a four-part budget. There will be items specifically justified for the agency tribe level. In other words, the tribes and the agency will work together in preparing their portion of the budget.

The second part of the budget will include the area office portion of the budget.

Chairman **Abourezk**. What would that budget be? Just personnel salaries and travel?

Mr. Goodwin. This will show us how much money is being spent at the area. In some cases we have Indian boarding schools justified at the area level. In some cases we have some field operational support at the area level. In other cases, it is travel.

It will show exactly how much money the Bureau is spending at the area level including travel and support services.

Chairman **Abourezk**. How many schools are funded at the area level?

Mr. **Goodwin**. I do not have that information.

Chairman **Abourezk**. Mr. Lavis?

Mr. **Lavis**. Most of the off-reservation boarding schools—there are about 14 of them.

Chairman **Abourezk**. That are funded through different area offices.

Mr. **Lavis**. That is correct.

Chairman **Abourezk**. Besides salaries and travel: What other functions would be funded through the area offices?

Mr. **Goodwin**. All the other supportive costs for space——

Chairman **Abourezk**. I mean aside from offices, personnel salaries, and travel.

Mr. GOODWIN. I believe there is, currently, some Bureau program money allocated to the area level. For instance, some of the 638 technical assistance money is allocated out to the area level.

Chairman ABOUREZK. That is not a separate function in your new budgeting process? It would go into the area budget?

Mr. GOODWIN. As currently shown now, we would even show that down as far as the agency level. We would be able to tell how much money—and we have not been able to do that in the previous budget system—a tribe or an agency is getting out of 638 money and how how much money is available for contracting at that agency level. With the existing budgeting system, we are not able to get a good handle on it.

The strategy in pulling together the budget at the agency tribe level is that the agency, along with the tribe, will be able to determine how much money they will actually be getting out of the 1980 budget and will determine how much money will be available for contracting. Also, the tribes can begin to pull together what they determine are their needs and rank them on a priority basis.

In addition to that, the 1980 budget will also allow them to integrate funds with other Federal funds at that level. We began to do that in the pilot program at the Cheyenne-Arapaho Tribes of Oklahoma. We have a number of other tribes that are interested in doing this now. Previously, they could not identify clearly how much money was available at the agency level to integrate with other Federal funds.

Chairman ABOUREZK. You have named two. You said there are four different parts of the budget. We are talking about the new kind of budgeting now.

Mr. GOODWIN. The third part would be how much money is spent at the central office. Everybody has had a great deal of interest in how much money we spend here in Washington, D.C., and physical locations that are identified as part of the central office.

The fourth part of that will be special programs that we feel should receive special emphasis. For instance, a number of the trust programs will be in the fourth part of the budget. Special programs that we are developing, such as handicapped education, would be on that fourth part of the budget—a range of programs that we feel need some specific guidance out of the central office on how the funds will be allocated.

So those are the four parts of the budget for 1980 that we plan to move forward with.

Chairman ABOUREZK. In other words, you have made that decision. That is out of the way. That is exactly how it will take place in fiscal year 1980.

Mr. GOODWIN. Yes.

The tribes and agencies are working together now and pulling together their portion of the plan that we will bring back in here and present to the Congress as part of the President's 1980 budget.

Mr. GERARD. Mr. Chairman, may I say just one additional word on that 1980 budget.

We have developed as our two priorities the strengthening of trust responsibility and management improvement, in keeping with the overall effort to strengthen the Bureau's capacity.

Chairman ABOUREZK. Please continue.

Mr. **Goodwin**. Recommendation No. 16: Funding levels for the tribal programs and tribal service delivery which are under contract to tribes or corporations and to multitribal groups should be related to needs.

We have begun to do that as part of the 1980 budget process. In the 1980 budget process we have defined another portion of that budget that the tribes can look for their total needs. As part of the zero-based budgeting concept, tribes can identify all of their needs and then begin to rate and rank those needs based on how much money they will actually get. So, there is a provision where the tribes can now begin to plan for their needs.

Chairman **Abourezk**. Under your new budgeting system, you say the tribes and the agencies will negotiate on priorities of their programs for the coming fiscal years. Then who will make the allocation? Will that be done out of the central office or the area office?

Mr. **Goodwin**. We have already made the tentative allocations on how much money is available. Based on the passbacks that we get from OMB and through the Department, we have made tentative allocations——

Chairman **Abourezk**. You are talking about total money available?

Mr. **Goodwin**. That is correct.

Chairman **Abourezk**. Once you establish a total amount of money that will be available: How is that allocated to the tribes under part one of your new budgeting?

Mr. **Goodwin**. For planning purposes, each tribe is given a planning target allowance. In other words, for 1980, you can plan to receive this much money as part of our total Bureau budget——

Chairman **Abourezk**. You have told the tribes that is how much they can plan to receive.

Mr. **Goodwin**. That is right.

Chairman **Abourezk**. They do not tell you according to their needs. You tell them according to their needs.

Mr. **Goodwin**. We tell them what our ceiling is going to be at the agency tribe level.

Chairman **Abourezk**. For each tribe.

Mr. **Goodwin**. They can show on that document what their total need is, however.

Chairman **Abourezk**. They can show what their need might be, but you tell them what the ceiling is.

Mr. **Goodwin**. That is correct.

Chairman **Abourezk**. Then how do you allocate what that ceiling will be for each tribe?

Mr. **Goodwin**. The system is basically that we allocate in 1980 the same amount they plan to get in 1979.

Chairman **Abourezk**. In other words, you are not doing it basically on which tribes might need the money more than another tribe. To my knowledge, it has been done on the basis of who has got the most political clout. Wasn't that true before?

Mr. **Goodwin**. The practice has been who has been able to get the money; right.

Chairman **Abourezk**. Right.

Mr. **Goodwin**. So, in the 1980 base at each agency, there are a couple of different alternatives in trying to achieve a first step toward equity funding. There are a number of different ways that this could go about.

One way that the California tribes, for instance, propose to us is that we add to their base. In other words, instead of giving them 100 percent of 1979, give them 115 percent to allow them room to catch up. This is one of the possible alternatives in trying to achieve equity for those tribes that do not have equity.

Chairman ABOUREZK. Have you implemented that yet, or is that just discussion?

Mr. GOODWIN. This is under consideration right now.

Chairman ABOUREZK. Do you agree that something might have to be done to make the equities more balanced among the tribes? Some tribes always receive more money than others.

Mr. GOODWIN. We would agree with that. I believe we have language proposed in the 1979 appropriations and through the House side to begin moving toward equity funding. The California proposal, for instance, would be a step in that direction.

Chairman ABOUREZK. Please continue.

Mr. GOODWIN. Recommendation No. 19: The BIA management information system should be upgraded to provide accurate, timely information necessary for sound management decisions at all levels.

That has begun. I would like to provide a status report of what we are doing on that.

Chairman ABOUREZK. How have you implemented that one?

Mr. GOODWIN. As Assistant Secretary Gerard stated earlier, both Mr. Lavis and myself cochair what we call an automated data processing management information review board, which is implementing two proposals. The ADP portion of it will deal with the hardware part. We will design the systems through administrative support on how to deal with the management information needs that Mr. Lavis on the program side of the Bureau develops.

What we have done so far is to initiate this committee. We have given them two specific charges. One is to look at the House investigation report and its numerous recommendations on our ADP system. Two is to develop a management information system.

By the beginning of fiscal year 1979, we plan to initiate a central ADP operation as a service center concept. All programing and computer operations will be requested by and paid for by the users. The size of the center will be determined on its ability to meet and satisfy the user needs.

We will acquire services from a contractor to meet all computer needs. In other words, we are going commercial in 1979.

Chairman ABOUREZK. You have not done it yet? Are you in the process of doing this?

Mr. GOODWIN. That is correct. These plans have been approved right now. We will begin to implement them as soon as the new money comes in.

Chairman ABOUREZK. So, they are not implemented. In other words, you have made a decision to implement the plans, but you have not yet implemented them.

Mr. GOODWIN. We have implemented them in the way that we have gone forward. We have selected a contractor for commercial computer services. All of our computer services will be transferred from our Albuquerque operation to——

Chairman **Abourezk**. You are talking about the future. You are saying they will have this.

Mr. **Goodwin**. We have made the decision to go forward with that, and part of that is in process.

Chairman **Abourezk**. That is what I am asking. You have not done it yet; you have made the decision to do it.

Mr. **Goodwin**. We are transferring over to the commercial vendor now. Some of the programs have been put out to the commercial vendor.

Recommendation No. 17 deals with management systems and processes: the Bureau should establish clear organizational and programmatic objectives, and use them as a basis for program management evaluation.

Again, this deals with our BIA manuals. We have initiated an action plan that will definitely get the manuals updated. As the Assistant Secretary stated previously, directives have gone out. By the end of this calendar year, we will have many of those manuals already updated and plans from others that do not have those manuals updated on how they plan to achieve completeness of their assigned task.

Recommendation No. 21: The top management of the Bureau of Indian Affairs should insure that personnel standards of the Civil Service Commission are upheld on all levels of the Bureau, and that sound, flexible personnel management principles are utilized.

We have already begun that. As I stated earlier, we did begin the personnel management evaluations at a number of our key installations where personnel actions are approved. We plan to continue with those evaluations.

I stated before that we have performed evaluations at Portland, Billings, Phoenix, and one is scheduled for Juneau, Alaska.

Chairman **Abourezk**. Have you had any of the tribes participate in these performance evaluations yet?

Mr. **Goodwin**. Not to my knowledge. These are done by Bureau and Civil Service Commission personnel who are familiar with civil service regulations, personnel practices, and procedures approved by the Civil Service Commission, and are familiar with qualification standards, classification of positions, and actual procedures in hiring. So, it has been done by a combination of Civil Service Commission people, Department of the Interior people, and Bureau of Indian Affairs staff.

Recommendation No. 22 also deals with BIA's policy procedure manuals. I stated before that we are moving ahead on that.

Chairman **Abourezk**. You have begun that process?

Mr. **Goodwin**. Yes; we have.

Recommendation No. 27 is under education: A statement of the philosophy of education for Indians and Alaska Natives should be formulated.

I believe Mr. Lavis could give us a status report on his activities in that area.

Mr. **Lavis**. Recommendation No. 27, Mr. Chairman, a statement of the philosophy of education: Shortly upon my assuming office, that was requested to be drafted by the Assistant Area Director for Education. It was done so in conjunction with the overall effort on our part to develop a comprehensive education plan.

Chairman **Abourezk**. You have drafted that statement?

Mr. **Lavis**. Yes, sir. It is waiting submission to the tribes for their comments along with the request for their assistance in helping us to identify comprehensive educational needs.

Most of those recommendations on education—28, 31, 32, and 33—are all tied together in terms of this effort on our part to develop the comprehensive educational planning process.

Chairman **Abourezk**. You have made more progress in education than you have in any other area, and they are going to take it away from you.

Mr. **Lavis**. I do not think I want to comment on that, Senator.

Mr. **Goodwin**. I believe Mr. Lavis covered recommendations through 30 that deal with education that are underway.

The final recommendation is No. 36. It deals with consultation guidelines. It states: The Assistant Secretary and top management of the Bureau of Indian Affairs should: (1) Clearly define the consultation process; (2) develop guidelines for determining when consultation is appropriate; and (3) establish guidelines for identifying appropriate persons or groups to be consulted.

That has begun. We have a draft of consultation guidelines. I do not know if they have gone to tribes yet.

But, on selection of key personnel in the field, we recognize that that is an area that has given us a great deal of problems in the past and created also a great deal of confusion with tribes in the selection of key personnel.

Those guidelines are put together. I could not give you a status report on whether those have gone out now or not.

Chairman **Abourezk**. You have done all of these guidelines then that are talked about in this recommendation?

Mr. **Goodwin**. The one on the consultation on key appointments—we have done that. The other two are being developed.

Those are the 36 recommendations.

Chairman **Abourezk**. That is all that you have begun?

Mr. **Goodwin**. That is correct. That is about half of them.

Chairman **Abourezk**. Half of all the recommendations?

Mr. **Goodwin**. That is right.

Chairman **Abourezk**. I have made notes on all these. I do not think that there is over one or two that you have completed. You have begun a process on each one of them. Hopefully, you will complete the process that you have begun on them.

My next question is on the commitment made by Under Secretary Joseph that, on or about August 1, decisions will be made regarding the implementation of the balance of the recommendations. Can we hear about that?

Mr. **Gerard**. As indicated in my overview, Mr. Chairman, that date has been moved forward to September.

Chairman **Abourezk**. September what?

Mr. **Gerard**. As soon as we can schedule that meeting with the Secretary and Under Secretary.

Chairman **Abourezk**. And that will not be until September?

Mr. **Gerard**. That is the earliest we are going to be able to do it because of the complications we cited.

Chairman **Abourezk**. Complications of scheduling?

Mr. **Gerard**. Two things occurred: We thought we were on a good schedule. None of us anticipated the amount of time that we would have to invest during the "Longest Walk." Quite frankly, that was almost a 2-week period. On top of that, the Secretary and Under Secretary's August schedule almost made it prohibitive for us to get together.

We would expect that that meeting would occur.

I think that those are going to be the critical decisions, Mr. Chairman. For example, among the recommendations that will have to be decided upon at that time, for example: Will we move forward with the three-deputy concept as proposed in the task force report? Will we agree to fill the Commissioner's post? These kinds of hard decisions will then be made at that meeting with the Secretary and Under Secretary.

Chairman **Abourezk**. What day do you think we can hold another hearing and find out from the Under Secretary and yourself about the balance of these decisions?

Mr. **Gerard**. I would be willing to proceed through the rest of this week to see when we can schedule that meeting with the Secretary and Under Secretary and inform you officially so that we can look to another hearing.

Chairman **Abourezk**. Can we talk next week about a date for the hearing?

Mr. **Gerard**. I am in no position to commit the Secretary's time, but I will certainly——

Chairman **Abourezk**. I mean, we can talk about a date next week.

Mr. **Gerard**. Yes.

Chairman **Abourezk**. He will be back next week?

Mr. **Gerard**. I believe he is scheduled to return. I am not fully aware of Under Secretary Joseph's availability. As you know, he was involved in an airline crash on the tour of the trust territories.

Chairman **Abourezk**. He will go to any length to get out of testifying before this committee.

May we have a copy for the record of the review team report? Do you have it with you?

Mr. **Gerard**. It is quite voluminous. I do not know whether you want to make it a part of the record.

Chairman **Abourezk**. We can make it a part of the file.

Mr. **Gerard**. We will be happy to provide it to you.

Chairman **Abourezk**. Do you have it with you today? Is that it there?

Mr. **Lavis**. Yes; that is it.

Chairman **Abourezk**. May we have that copy?

Mr. **Lavis**. Yes, sir.

Chairman **Abourezk**. Thank you.

I was just discussing with the staff; there is not really much more to ask.

I would have to say that you really have not done very much yet. I do not know how much longer you are going to stall this thing—probably until January 3 of next year.

The only thing that I see that might be of some benefit to the Indian tribes is that change in budgeting, and that does not take place for another year or so. The other actions, it would seem to me, are daily normal routine which should have been done in any event. They do not require a big report.

Do you think, if you implemented every recommendation in here fully, that they would make some impact as far as progress for the Indian tribes is concerned?

Mr. **Gerard**. Mr. Chairman, I will give you a qualified answer on that question. I am convinced that they would create some impact.

One of the things that we have done is to discusswith other agencies who have undertaken similar reforms. You will recall that the Internal Revenue Service, 10 or 15 years ago, was under severe indictment from the Congress and the public. In meeting with some of the officials from that agency, who were involved in that effort, a couple of things were impressed upon us.

No. 1, you are not going to complete it overnight. What you have to look to is a process to begin improving the management and upgrading the capacity of personnel, but the important thing is to initiate the process. We believe that is what we have started here.

The other thing that I would like to point out is this: During the course of our administering the 1978 budget, which we inherited, there are just no fund controls within the Bureau. We have taken a lot of steps to try and tighten that up. They are not very glamorous, but they are the kinds of things that we believe are bringing a little more accountability in the use of that money and making certain that it gets out to the reservation level.

Also, we reported at the last hearing that we were going to issue a request for a proposal to implement what we referred to as Project Integrity. Sealed bids will be opened on that proposal in the very near future.

We believe that that kind of system is going to give us greater accountability of funds at all levels.

I am concerned that there are still lots of moneys that are set aside by program directors at headquarters and in the areas. We want to eliminate that and drive that money to the field.

Chairman **Abourezk**. That would be a tremendous advance.

Mr. **Gerard**. We are taking steps that we believe are tightening up on integrity of funding.

Chairman **Abourezk**. Thank you very much.

Mr. **Gerard**. Thank you.

Chairman **Abourezk**. The next witness is Charles Trimble.

STATEMENT OF CHARLES E. TRIMBLE

Mr. **Trimble**. Mr. Chairman, I am Charles Trimble. I am the director of the United Effort Trust, which is a program to attempt to address what we call the backlash in Congress.

In this instance, Mr. Chairman, I am testifying personally, not on behalf of the United Effort Trust or the National Congress of American Indians. The main reason is that I did not have the opportunity, since I was invited to replace Ernie Stevens, who could not make it here, to check out with my board. But there are things I really believe should be said, and I would like to make those comments.

First of all, I want to assure you that you certainly are not paranoid in your concern over what is happening in the Bureau of Indian Affairs——

Chairman Abourezk. Or what is not happening.

Mr. Trimble. Right. There are other people who are concerned as well.

I must admit that I was impressed at some of the reports on progress being made internally in the Bureau of Indian Affairs—some very good actions being taken particularly in the reform of the budget process—but I have not been privileged to see the plans of action nor much of the other plans that are happening. So, it is very difficult to comment on them.

One of the things that I gathered this morning, Mr. Chairman, is that there is still a need for some fundamental changes in the Bureau of Indian Affairs. For one thing, it is becoming very clear that we are all getting resigned to the fact that the area offices are going to stay in existence.

Chairman Abourezk. Well, it appears that way in spite of the commitments made by the Assistant Secretary, the Under Secretary, and the Secretary a year ago. It appears that it is going to be business as usual with the area directors and area offices. I thank you for bringing that up.

Mr. Trimble. I really believe that much of the problem exists in that which offers the entire atmosphere for the whole colonial structure that really does not allow—no matter how good the intentions of the leaders in Washington, D.C., are—those fundamental reforms to happen in the field.

There are tremendous controls, in fact greater controls by the area offices over the tribes and the lives of the people than there is anywhere else.

Those changes need to be made.

I was asked one time—and this is the type of consultation I think that quite often you do receive—"Would you, if you were Assistant Secretary, remove any area office and face the wrath of the tribes?"

I have seen instances where the entire tribes voted at a meeting with Frank Zarb, when he was the Associate Director of the Office of Management and Budget, to remove the area office at Aberdeen. It was brought back to the Bureau. It was not under this administration. The Bureau went back out and placed such restrictions on the voting and prefaced the voting by those tribes again on virtual threats as to what would happen to the services and the moneys they would lose if that area office went. Narrowly they did not achieve their quorum to remove those area offices.

We have heard time and time again that that should be done. It just seems like it is not going to be done. It really seems that change is going to be very, very difficult, if at all possible, unless that is done.

Chairman Abourezk. I do not know if you agree with this. In my view, any other change that means anything is not going to take place if the area directors appear not to like it. Even if the central office might want to change something, there is going to be such tremendous political resistance from the area directors. So, as long as they remain in existence, there is really, in my view, not going to be any change that means anything at all.

You can make cosmetic changes all day long, as we have gone through these recommendations.

Mr. **Trimble**. There seems to be a hesitancy or a refusal to do what Public Law 93-638 was intended to do, and that was convert bureaucratic bodies into moneys for the Indian people. That, apparently, is not happening. I really doubt that that can happen without those fundamental changes.

I really think that there needs to be a change in attitudes regarding the administration and the implementation of Public Law 93-638.

I believe we are seeing tribes who are at least threatening at this point to retrocede contracts because of budgetary cuts, restrictions, and late payments. I really believe that, at least on the area level and perhaps on some agency level, there is every intent to harass the tribes into retrocession because it does threaten the bureaucracy itself.

In the budget process, Mr. Chairman, I really believe that there needs to be a greater followup regardless of what you call it. Whether it is band analysis or zero-based budgeting, it turns out to be the same thing: Consulting with the tribes and manipulating it on the three steps up the ladder from the agency, to the area office, to the central office.

I do not see any method even talked about at this time that would prevent the total manipulation of those to where the budgets are not even recognizable when they get back to the tribes who they consulted in putting the budgets together.

So, in those areas, I really believe that there needs to be more consultation. There needs to be more opening up with the tribes on what is going on.

The tribes, as well as the national organizations—or at least one national organization—are waiting, as you are, for September or January, or whenever it might be, to find out what is going to happen in the Bureau of Indian Affairs.

Chairman **Abourezk**. The date keeps slipping. I just wonder how much slippage we are going to have. It is just probably going to go on indefinitely, I would guess.

Mr. **Trimble**. Right now we are faced with a situation called the backlash, which you are familiar with. It manifests itself in many pieces of anti-Indian legislation. As I understand from minutes we got of the Interstate Congress for Equal Rights and Responsibility, they are waiting for your retirement from the Senate so that they can proceed with the anti-Indian legislation, and we are preoccupied with that pretty much.

I really hope that the administration does not take our preoccupation with the backlash as endorsement of what is going on. It is really sad that we are preoccupied and not able to monitor the changes that are being proposed in the Bureau of Indian Affairs or any reform. We are certainly concerned.

I would again urge that these fundamental changes take place, or no change is going to take place really.

Chairman **Abourezk**. Thank you very much. We appreciate your appearance and your testimony.

The hearing is now adjourned.

[Whereupon, at 11:15 a.m., the hearing was adjourned.]

APPENDIX

REPORT FROM THE
BIA REORGANIZATION TASK FORCE

ESTABLISHED AT THE REQUEST OF
THE SECRETARY OF INTERIOR

MARCH 1978

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

March 31, 1978

The Honorable Cecil D. Andrus
Secretary of the Interior
Department of Interior Building
Washington, D.C. 20240

Dear Secretary Andrus:

In response to your letter of request, submitted herewith is the report from the BIA Reorganization Task Force. It reflects the results of an intensive effort performed over a four-month period (December 1977 through March 1978) by an 11-member Task Force organized into five subcommittees--Education, Administration, Tribal Resources Development, Indian Services, and Indian Trust Responsibilities.

Report Arrangement

We have arranged our report into four chapters:

I. Executive Summary
II. Introduction
III. Background
IV. Recommendations and Supportive Logic;
Action Plan.

The appendices include a statement from the Assistant Secretary for Indian Affairs to the Task Force, and summaries of comments from the public hearings held by the Task Force.

Implementation

We strongly suggest that this effort not be treated as "just another study", but that it receive a major departmental commitment toward carrying it forward into implementation. More specifically, we propose that an implementation team of three to five people be established to serve as the catalyst and monitoring mechanism, and that the BIA Reorganization Implementation Team have a direct reporting relationship to the Secretary so that all of the Department's resources can be brought to bear for as long as needed to implement the recommendations made.

We collectively thank the Department for the opportunity to participate in this important effort, and wish to thank the Department and BIA officials who assisted in the effort, for the considerable assistance and cooperation they provided the Task Force.

Sincerely,

Earl Old Person
Chairperson

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I EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS

The mission of the Bureau of Indian Affairs is generally viewed at present as three-fold:

1) to fulfill and execute the Federal Government's trust obligation to American Indian Tribes and Alaska Native groups, and;

2) to recognize and preserve the inherent rights of Indian tribal and Alaska Native self-government; to strengthen the capacities of these governments to govern, and to to provide resources for tribal and Alaska Native government programs, including delivery of services in fulfillment of the special obligation of the United States to Indians and Alaska Natives;

3) to serve as an advocate for the sovereignty and rights of American Indian Tribes and Alaska Native groups in dealing with other governmental entities and the private sector.

In the course of the Reorganization Task Force's hearings and deliberations, several realities arose repeatedly. Those realities had clear implications for organization and structure, although they were of such a nature as to form a background or substructure for specific organizational issues. At the outset, then, it is important to identify these realities and make a few comments respecting them. Specific recommendations follow regarding management, organizational and structural change within the Bureau of Indian Affairs. Some of these recommendations may appear "old hat" or simple minded--obvious to those familiar with previous BIA studies or with current management and organizatinal practice. But the most significant change resulting from the work of this Task Force will be the actual implementation for the first time of recommendations made repeatedly in the past. In short, this Task Force has observed that the problem is not so much reorganization as organization.

The trust responsibility of the United States for Indian tribes is the primary reality upon which rest virtually all relationships between Indians and the Federal Government. By and large, the trust responsibility has been affirmed by all three branches of the Federal government. Yet there is no clear agreement as to what precisely is contained within its provisions.

In periods of stress, there are those in government who deny that any such responsibility ought to exist at all today. Under these circumstances the future is far from clear. Uncertainty, anxiety, and distrust thus pervade the Indian communities of the United States and the agencies formed to serve their needs. The impact of these feelings on the management and the functioning of the Bureau of Indian Affairs--which employs large numbers of Indians and finds itself playing the dual role of advocate for Indians and administrator of governmental policies, dollars, and legislation--is often severe and injurious.

The Task Force, therefore, strongly advises the development of a definitive commitment to trust responsibility that may be used as a basic foundation for U.S. relationships with Indian tribes and Alaska Natives. This should be a continuing cooperative effort between the Secretary and representatives of Indian tribes and Alaska Natives.

Self-determination has been formulated both as policy of the United States for Indian tribes and as a body of legislation under P.L. 93-638. There are still many questions being asked in and outside of the Indian communities as to its real meaning and intent. Some suggest that it is merely another form of termination, in which services once performed by agencies of the government will be contracted out, and then funding will be cut off. Thus the reality of self determination is closely linked to that of trust responsibility. Organizationally, many Indians are reluctant to assume responsibilities under self-determination so long as they lack assurance that they are not preparing themselves for abandonment by the federal government.

A general management crisis pervades the Bureau of Indian Affairs. To an important degree, this crisis results from the issues cited above. But it also stems from a number of other factors, some of them historical, others structural and organizational. In the recommendations enumerated below, the Task Force has proposed some organizational and managerial tools to correct the conditions that contribute to the crisis. In the last analysis, however, it is people, not structures or systems, that will make this reorganization work to the benefit of the Indian people and to the benefit of the larger U.S. society.

It was neither possible nor necessary for the Reorganization Task Force to undertake as sweeping a survey of management, organization structure of the BIA as that conducted by the Management Study of the American Indian Policy Review Commission. As the above study pointed out, various facets of BIA management have been repeatedly subject to study over the past twenty-five years. Some ingredients of sound management remain constant: Trustworthy information systems, sound accounting and budgetary procedure, personnel management principles, coherent and vigorous executive leadership, adequate communications throughout communications throughout the organization, clear policies and procedures, accountability and personal integrity are all necessary for effective organizational operation. They are contained in the recommendations of this report as well as in its predecessors.

As the AIPRC Management Study reported, and as the Reorganization Task Force confirmed, many of these ingredients are either faulty in practice or simply absent. Members of the Task Force agree with the AIPRC that the following management elements need increased attention:

-- improvement in management ability on all levels;

-- responsible and accountable executive leadership on all organizational levels;

-- development of comprehensive, timely information for purposes of planning and control;

-- installation of improved communications networks throughout the BIA, Indian tribal governments and Alaska Native corporations, and the Department of the Interior with relation to Indian Affairs;

-- utilization of long range planning and strategic thinking, rather than crisis management;

-- implementation of recommendations (rather than review and further study).

The Task Force agrees with at least the spirit of the following major management recommendations in the AIPRC Management Study: a formal planning system as part of the budget process; effective operations without impeding progress toward the fullest employment of Indians in the Bureau; an aggressive recruiting program to secure both qualified and trainable Indians and Alaska Natives, with a continuously maintained skills bank listing qualified Indians and Alaska Natives, and a revision of current classification and qualification functions; a consistent, formal management training program instituted for all levels of the

Bureau; and types of management by objectives procedures revised to get goals flowing toward the Central Office from tribes, agency and area office levels, with effective implementation guidelines flowing outward from management in a timely manner.

In approaching its assignment, the Task Force concentrated its attention on three major groups of issues:

1. The structure and functions of BIA top management, line and staff.
2. The structure, role, and functions of BIA field operations, with particular focus on Area and agency levels.
3. The structure, role and function of several program areas:

    Trust Responsibility
    Resource Development
    Economic Development and Services
    Education

A recommendation was made with respect to consultation--its extent and its limitations. Other recommendations were made with regard to morale, selection qualifications, personnel management--overall better process, with focal points throughout for accountability and responsibility. It should be noted that a single recommendation may include several additional specific steps or activities within its full discussion in the body of the report.

The conclusion of the report contains a recommended brief action plan for implementation.

Following is a summary list of the Task Force's 36 recommendations:

The Assistant Secretary should have three principal Deputies--for policy, planning and evaluation, for operations (Commissioner) and for budget and finance (Comptroller) to insure a reasonable span of management control, and due attention paid to long range planning, day-to-day operations and the budget cycle.

The Assistant Secretary should have a relatively small immediate staff, reporting through an Executive Assistant, to perform the usual staff support functions--Congressional relations, public information and the like. Two new staff positions are added--a legal specialist to deal with the numerous items which have legal overtones (not intended to usurp functions of the Solicitor's office on the Trust Responsibilities); and an Executive Management Development position to oversee upgrading of management talent within the system, and to perform executive search functions for top level positions.

In addition to consultation procedures recommended below, the Assistant Secretary should establish a regular, informal process through which he can hear the views of field employees and constituents as to the effectiveness of BIA performance in any area. (Recommendations 1-2-3)

Three essential functions should be focused directly under the Deputy Assistant Secretaries as an indication of their overriding importance in carrying out the intent of the recommendations: the program and policy implementation of P.L. 93-638, and the Management, Research and Evaluation unit, both to report to the Deputy for Policy, Planning and Evaluation; and the administration of existing training programs and special facilities to be consolidated under the Deputy for Operations (Commissioner). (Recommendations 4-5-6)

The Area Office organization structure should reflect the functional make-up of the Central Office under the Assistant Secretary. Area Directors responsibilities should be agreed to on a contractual basis, between the Director and the Assistant Secretary, so as to reflect the unique aspects of the particular area. Clear performance measures should be agreed upon subject to regular review.

In turn the Area offices should reflect two major responsibilities for agencies as a general rule: to furnish administrative support, and to meet needs which agencies and/or tribal government cannot meet.

With regard to location of field installations, the Task Force had insufficient time for appropriate analysis. Therefore, the recommendation is that there be a review of area offices on a case-by-case basis, to consider the need to retain or combine offices. Two deserving particular consideration, as expressed to the Task Force, are a move of the Juneau Area Office to Anchorage; and a consolidation in Oklahoma City of the Muskogee and Anadarko Area Offices. (Recommendations 7-8-9-10)

Several recommendations deal with ways to provide maximum career development and job location options for executives and employees at all levels by assuring that they qualify not only for higher positions in several program areas of the BIA, but elsewhere in government as well. The flexibility of having Area Directors "Schedule C to insure timely response to, and support of, administrative policy is recommended. It is urged, further, that the Secretary state his support of the principles underlying these recommendations.
(Recommendations 11-14)

Recommendations regarding the budget system indicate there should be more consistent tribal input throughout all stages of the process, the process should be more directly based on needs, and that means should be found to stabilize sources of funding to some degree. The same principles should be applied to funding for programs and services under contract to single tribes or multi-tribal agencies. (Recommendations 15-16)

Several recommendations relate to establishment of sound management systems. Clear organization and programmatic objectives should be established, and used as a basis for program management and evaluation. All offices in the Bureau should be subject to periodic management audit, to determine weakness in overall guidance and allocation of resources, as well as management capabilities. The management information system should be upgraded. A data bank for access to Indian and Alaska Native people with skills in critical disciplines is recommended. Personnel standards of the Civil Service Commission should be upheld throughout the Bureau. The BIA Policy/Procedures Research should be upgraded to provide the useful guidance intended. (Recommendations 17-22)

The times and the realities of today, with the potential for more complex demands/opportunities for use or development of Indian resources--land, water, minerals, etc.--make it apparent to the Task Force that the Office of Trust Responsibilities should be strengthened in Washington and in the field, and charged with being an activist trust rights unit with sound technical backing. Its advocacy mission and its activist functions should be clearly stated, understood, and supported throughout the Bureau and the Department.

The Rights Protection Office should be elevated to equivalent status with other units within Trust Responsibilities, and it should be adequately staffed. Regional trust protection units should be established in regions/areas, with strong, versatile staffs reporting through Area Directors for administrative purposes, but reporting direct to the central office of Trust Responsibilities on programmatic and technical service matters. Such staffs should be available for advice and service to agencies, tribes, and Alaska Native corporations. Further, each agency should have its own trust advocate. Ad Hoc Project Teams should be formed to develop specific cases which embody new policies or call for major decisions.

Legal staffs trained and experienced in the range of trust issues should be established in the field, reporting directly to the Associate Solicitor for Indian Affairs. Legal services on educational matters should be made available to school boards, administrators, and tribal governments to assure, among other things: duly constituted legal entities locally in control of schools, students rights protection, and fair and binding appeals procedures. The Department Solicitor's Office should be formally entitled to file separate briefs in cases of conflict of interest.

At the Department level, an Indian Trust Council should be established, including the Secretary as Chairman, the Assistant Secretary for Indian Affairs and the Solicitor. The group would articulate policy, devise strategy for pursuit of priority trust goals, and assure that expertise from elsewhere in the Department is brought to bear on problems as needed.

The Task Force further recommends that the President establish a cabinet level Federal Indian Trust Committee, headed by the Vice President, and including the Secretary of the Interior and the Attorney General. The group would focus on issues of national interest, deserving the attention of the President.

An Office of Resources Development should be established under Trust Responsibilities to provide competent, sophisticated assistance to tribes in technologies and economic analysis for management, conservation and development of their natural resources. (Recommendations 23-24)

An Office of Business and Economic Development should be established, reporting to the Deputy Assistant Secretary for Operations (Commissioner), to provide all Indian tribes and Alaska Native corporations with sophisticated assistance in economics, marketing, and finance; and an advocacy service in packaging Federal and private funds and technical assistance. Tribal and Native corporation planning for such activities should be systematically linked with other Bureau programs providing community infrastructure needs.

The present Office of Indian Services should be carefully reviewed and realigned or reinforced as necessary to support a clearly-defined, comprehensive Community Services approach to reservation and community needs. Needs should be established by tribes and Alaska Natives, and the services delivery planning based on these needs should be systematically linked with other planning, such as for education and training, business and economic development, natural resources development, if any; and community jobs/skills availability.
(Recommendations 25-26)

A statement of the philosophy of education for Indian and Alaska Natives should be formulated, and a set of goals and priorities developed by each tribe or community consistent with that philosophy. Maximum participation of Indian and Alaska Native parents, governments, and Indian education specialists should be systematically sought at all levels of decision-making--the community, the region, and Washington. Changes should be made in locations of key BIA education-related organizational units, to assure a focused central direction for all education programming, and the most efficient distribution of technical assistance resources. Indian education should remain in the Bureau of Indian Affairs, rather than any other Federal agency.

Plans for all education related activities should include statements or steps which recognize or reinforce Indian and Alaska Native cultural heritage as a basis for identity, self-esteem and strength--as tribes, as communities and as individuals. Steps should be taken to upgrade the caliber of education offered in tribal and BIA schools and in other schools which serve Indian and Alaska Native people. Community and tribal education needs assessments, adequately funded, should be started immediately with full local Indian and Alaska Native participation. Comprehensive school funding packages should result, accompanied by some process for commitment to a relatively stable level of funding for stated periods. (Recommendations 27-35)

President Carter has said that decisions affecting Indians would be made in "Tribal Council Chambers". The Assistant Secretary for Indian Affairs should clearly define the consultation process--what it is and what it is not; establish guidelines both for identifying appropriate persons and groups to be consulted, and for determining when consultation is appropriate. Obligations of Federal law and regulation, as well as the Federal trust relationship, make Federal agencies--including the Department of the Interior and the Bureau of Indian Affairs--legally responsible for final decisions, so consultation cannot be broadly interpreted to mean that decisions by Federal trustees can be vetoed by tribes or groups. The consultation process must be a timely and meaningful one, not a random collection of information made at some point before the decision is made. The process must include lead time for affected people to understand the issues, formulate an opinion, and transmit that opinion to the decision-maker. The process should also include feedback to participants as to decisions made. (Recommendation 36)

The Action Plan calls for the Report to receive wide public review and comment. The Secretary, the Under Secretary, and the Assistant Secretary for Indian Affairs will review both the Report and the comments received, and set or continue in motion the means of implementing the agreed-upon recommendations or principles. The Task Force is convinced that high Departmental priority will be assigned to necessary changes. The changes proposed in the report have been reviewed to date by significant numbers of Indians and Alaska Native individuals and groups. The Task Force believe that the preponderance of Indian and Alaska Native opinion has been reflected in the Report.

II INTRODUCTION -- THE TASK FORCE

This is the Report of the Bureau of Indian Affairs Reorganization Task Force. The Task Force was organized at the direction of the Secretary of the Interior, Cecil D. Andrus, and the Task Force effort was conducted over a four month period (December 1977 through March 1978).

This introductory chapter addresses the following series of subjects:

- Reasons for establishing the BIA Reorganization Task Force.
- Objectives and scope of the Task Force's work.
- Task Force structure and membership.
- Study approach.
- Arrangement of the Report.

Reasons for Establishing the BIA Reorganization Task Force

The BIA Reorganization Task Force was formed to assist the Under Secretary (Joseph), and the Assistant Secretary for Indian Affairs (Gerard), in meeting the commitments they made to Congress during their confirmation hearings, that they would focus their attention on improving the organization effectiveness of the Bureau of Indian Affairs.

Many policy recommendations were already clear as the Task Force began its work -- from the recent report of the American Indian Policy Review Commission (AIPRC) and from other sources, historic and in-house. With its necessary constraints of time and resources, the Task Force chose to focus on urgent needs, especially those with Bureau-wide implications. Its conclusions with regard to priority, its policy recommendations, and its suggested next steps are intended to be responsive to the organization's most immediate needs, to aid top management of the Bureau and of the Department -- and thus to serve Indian and Alaska Native people.

Objectives And Scope Of The Task Force's Study Work

The following are (1) mission, (2) goal, and (3) objective statements adopted by the Task Force in January 1978.

1. Mission Statement

"The mission of the BIA Reorganization Task Force is to propose, formulate and submit recommendations to the Secretary for restructuring the Bureau of Indian Affairs into an organization which:

- Is a more effective advocate of Indian interests
- Anticipates the needs of native Americans and Tribes while ensuring that the Federal Government's trust responsibilities are carried out efficiently, and
- Provides services more efficiently to native Americans and strengthens Tribal Governments."

2. Statement Of Goals

"The goals of the BIA Reorganization Task Force are to identify, analyze and comprehend the key responsibilities and major operating concerns of the Bureau of Indian Affairs as they are discharged and manifested within the current organizational structure and management system - all in relation to Tribal needs, laws, regulations, and other government organizations/responsibilities."

3. Statement Of Objectives

"The objectives of the BIA Reorganization Task Force are to develop and submit specific recommendations regarding the management structure, principles and procedures of the Bureau of Indian Affairs which will improve the Bureau's performance....

The essential ingredient of these recommendations will consist of an organizational structure, and associated delegations of authority, which outlines:

- The jurisdictions and clear lines of accountability of each level of management and operating office, both within BIA and in relation to other government organizations
- An objective-setting and policymaking mechanism
- A program planning and evaluation system based on standards of accountability for program achievement

- A problem identification and decision-making procedure producing timely results
- Budget, manpower allocation, personnel management, and work method processes which operate as an integrated system with assigned responsibilities
- A management information system which serves the current needs of operating and administrative officials
- An internal communications system which fosters adequate information at all levels for effective program operations."

Structure and Membership of the Task Force

Exhibit II-1 shows the structure of the Task Force, which was organized into five principal subcommittees:

- Education
- Administration
- Tribal Resources Development
- Indian Services
- Indian Trust Responsibilities

The membership consisted of eleven people as follows: six public members, two BIA members, one NTCA member, and one NCAI member.

Mr. Earl Old Person, Chairman
Representative of the
National Tribal Chairmen's Association
Chairman, Blackfeet Tribal Council
Browning, Montana 59417

Mr. William Hinsley, Vice Chairman
Executive Vice President,
NANA Regional Corporation, Inc.
P.O. Box 49,
Kotzebue, Alaska 99752

Mr. Ray Goetting
Representative of the
National Congress of American Indians,
P.O. Box 356,
Laguna, New Mexico 87038

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Vice President
ATE Management and Service Company, Inc.
1911 North Fort Myer Drive, #705
Arlington, Virginia 22209

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Vice President,
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Advocates for Indian Education,
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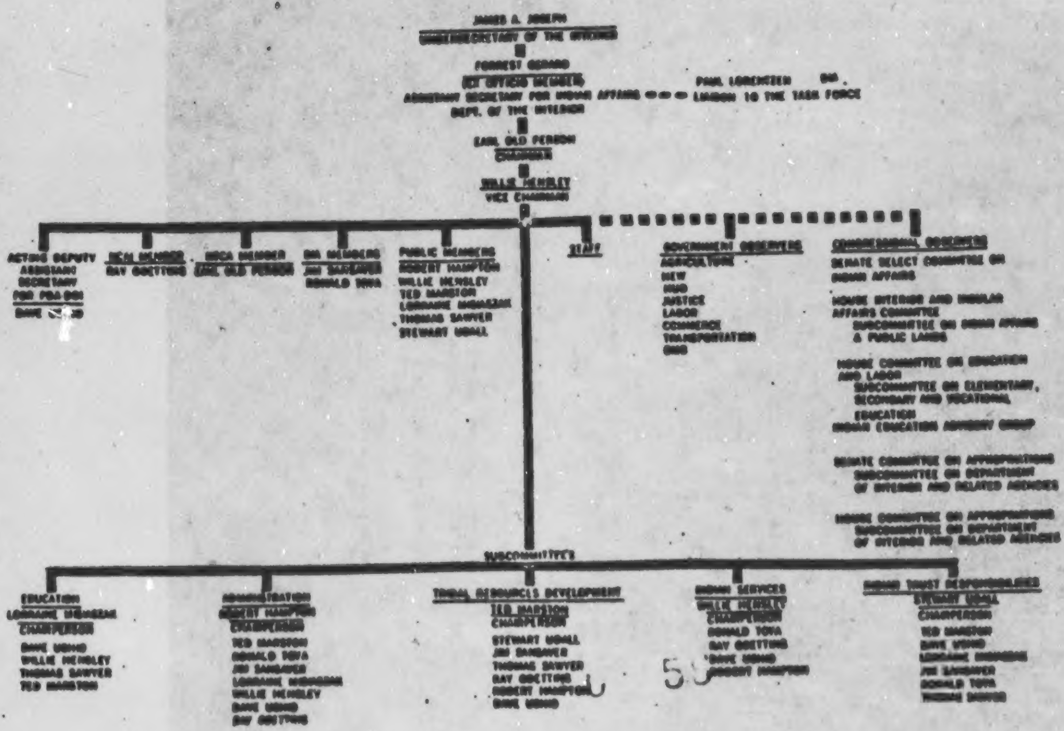
Project Manager for the Assistant Secretary
for Indian Affairs -- Paul Lorentzen

Technical Advisor for Report -- Cecil Hoffmann

EXHIBIT II-1

BIA REORGANIZATION TASK FORCE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UNDERSECRETARY OF THE INTERIOR
FORREST GERARD
(EX OFFICIO MEMBER)
ASSISTANT SECRETARY FOR INDIAN AFFAIRS
DEPT. OF THE INTERIOR
PAUL LORENTZEN BIA
LIAISON TO THE TASK FORCE
EARL OLD PERSON
CHAIRMAN
WILLIE HENSLEY
VICE CHAIRMAN
ACTING DEPUTY ASSISTANT SECRETARY FOR PBA-DOI
DAVE [illegible]
NCAI MEMBER
RAY GOETTING
NTCA MEMBER
EARL OLD PERSON
BIA MEMBERS
JIM SANDAVER
DONALD TOVA
PUBLIC MEMBERS
ROBERT HAMPTON
WILLIE HENSLEY
TED MARSTON
LORRAINE MISIASZEK
THOMAS SAWYER
STEWART UDALL
STAFF
GOVERNMENT OBSERVERS
AGRICULTURE
HEW
HUD
JUSTICE
LABOR
COMMERCE
TRANSPORTATION
OMB
CONGRESSIONAL OBSERVERS
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE
SUBCOMMITTEE ON INDIAN AFFAIRS & PUBLIC LANDS
HOUSE COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION
INDIAN EDUCATION ADVISORY GROUP
SENATE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES
SUBCOMMITTEES
EDUCATION
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WILLIE HENSLEY
THOMAS SAWYER
TED MARSTON
ADMINISTRATION
ROBERT HAMPTON
CHAIRPERSON
TED MARSTON
DONALD TOVA
JIM SANDAVER
LORRAINE MISIASZEK
WILLIE HENSLEY
DAVE [illegible]
RAY GOETTING
TRIBAL RESOURCES DEVELOPMENT
TED MARSTON
CHAIRPERSON
STEWART UDALL
JIM SANDAVER
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RAY GOETTING
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STEWART UDALL
CHAIRPERSON
TED MARSTON
DAVE [illegible]
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JIM SANDAVER
DONALD TOVA
THOMAS SAWYER

Study Approach

The study approach used involved four principal steps:

- Initial meetings and presentations
- Public hearings in the field
- Analysis and report writing
- Presentations.

1. Initial Meetings And Presentations

The first step was a series of meetings of the Task Force to establish a working structure, begin to define major study issues or questions, and review previous related studies and materials. This included meetings of the Task Force in Washington, D.C. on December 21, 1977, January 4, 1978 and January 18-19, 1978.

Four additional Task Force meetings were held in Washington, D.C. - February 15, 1978, March 1-2, 1978, March 15-16, 1978, and March 27-30, 1978.

During the total time of this Task Force's life remarks and presentations were made to the Task Force, including the following:

- BIA Central Office Program Directors
- 15-member BIA Superintendents Committee
- Six BIA Area Directors
- Representatives of a National Indian organization (NTCA)
- Representatives of a Federal employee union (NFFE)
- Assistant Secretary-- Indian Affairs
- Under-Secretary — Department of the Interior
- Deputy Assistant Secretary —Indian Affairs (Program Operations)

2. Public Hearings In The Field

A series of five public field conferences were held in:

- Phoenix, Arizona	January 30, 1978
- Oklahoma City, Oklahoma	February 1, 1978
- Denver, Colorado	February 1, 1978
- Portland, Oregon	February 2, 1978
- Duluth, Minnesota	February 8, 1978

The principal purpose of the hearings was to obtain as much grass roots input as possible (within the time and resource limitations of the Task Force). A summary of statements made by people attending the hearings is included as an appendix to this report.

3. Analysis And Report Writing

Step three was a period of analysis and report writing, during which time a considerable amount of material was reviewed and analyzed. Examples include:

- American Indian Policy Review Commission Report
- AIPRC Management Study
- BIA's Action Plan for Management Improvement
- Statements for handout prepared by BIA Central Office staffs, area directors and superintendents
- Eleven GAO Audit Reports on BIA
- Letter and press release from Chairman of Senate's Select Committee on Indian Affairs
- Numerous written letters and statements of individuals and groups
- Formal written presentations from BIA management
- A staff paper on organizational options and management systems from Policy, Budget and Administration Office of Department of the Interior.

Individual interviews were conducted by members of the Task Force.

4. Presentations

The final step was the presentation of the study report to BIA and Department of the Interior top management.

Arrangement of This Report

Following the Executive Summary and this introductory chapter on the Task Force, the report contains two additional chapters, as follows:

III - Background -- The Bureau of Indian Affairs

IV - Recommendations and Supportive Logic; and Action Plan

The appendices consist of:

A - Statement From The Assistant Secretary For Indian Affairs To The Task Force

B - Summaries Of Comments From Public Hearings Held By The Task Force During The Course Of The Study

C - List of Reports and Comments Received by the Task Force

D - Area Office Locations and Addresses

III BACKGROUND -- THE BUREAU OF INDIAN AFFAIRS

This chapter presents background information related to the Task Force effort on the following subjects:

- Current organization and staffing of the Bureau
- Functions of the principal organizational entities within the Bureau
- Location of Bureau's Area Offices, and numbers of agencies served
- Central Office functions performed at locations outside of Washington, D. C.
- Results and Recommendations of the American Indian Policy Review Commission
- Principle recommendations from recent Government Accounting Office (GAO) Reports (included as Exhibit III-3)

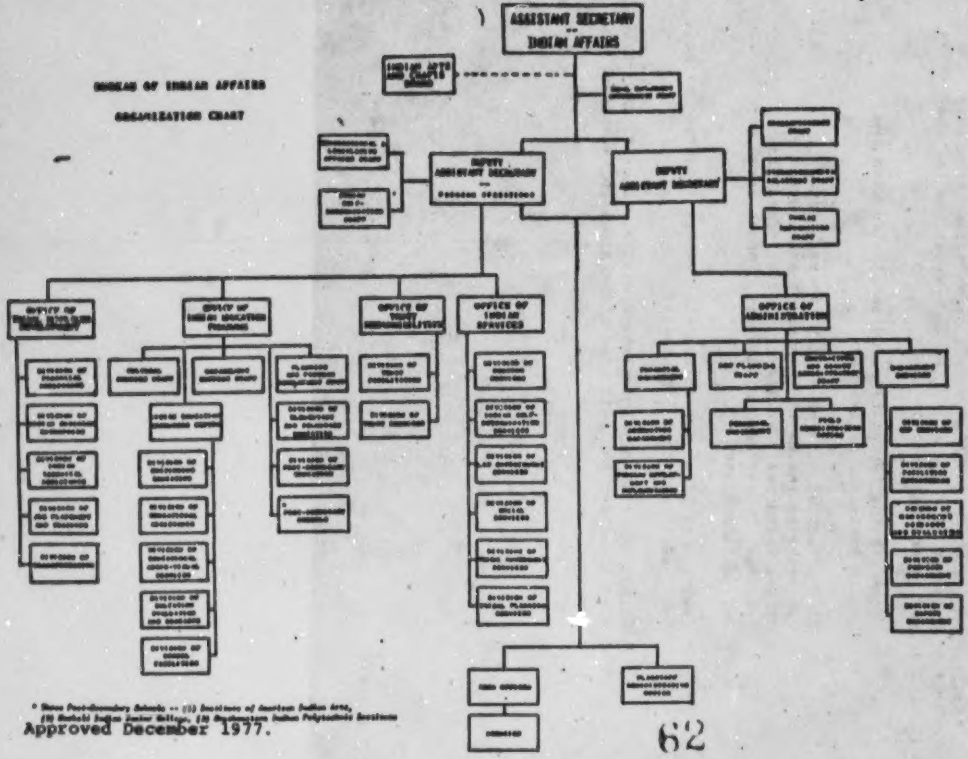
Current Organization And Staffing Of The Bureau

Exhibit III-2 shows the BIA's overall organization structure (approved in December 1977). The structure has the following general characteristics:

- The Assistant Secretary - Indian Affairs with two Deputy Assistant Secretaries
- Five principal offices at the central office reporting to the Deputy Assistant Secretaries - Tribal Resources Development, Indian Education Programs, Trust Responsibilities, Indian Services, and Administration
- Twelve Area Directors across the country reporting to the two Deputy Assistant Secretaries
- Eighty-three Agency Superintendents reporting to the Area Directors in their respective geographical areas.

BUREAU OF INDIAN AFFAIRS

ORGANIZATION CHART


ASSISTANT SECRETARY -- INDIAN AFFAIRS
INDIAN ARTS AND CRAFTS BOARD
DEPUTY ASSISTANT SECRETARY -- PROGRAM OPERATIONS
DEPUTY ASSISTANT SECRETARY
OFFICE OF INDIAN EDUCATION PROGRAMS
OFFICE OF TRUST RESPONSIBILITIES
OFFICE OF INDIAN SERVICES
OFFICE OF ADMINISTRATION

* Three Post-Secondary Schools -- (1) Institute of American Indian Arts, (2) Haskell Indian Junior College, (3) Southwestern Indian Polytechnic Institute

Approved December 1977.

EXHIBIT III-1

Functions Of The Principal Organizational Entities Within The Bureau

As outlined earlier, there are five principal offices at the Central Office level which function as staff rather than line organizations:

- Office of Tribal Resources Development
- Office of Indian Education Programs
- Office of Trust Responsibilities
- Office of Indian Services
- Office of Administration.

Exhibit III-2 outlines the key functions of the Divisions within each of the above offices.

EXHIBIT III-2

Outline of Principal Functions of Major Units
Bureau of Indian Affairs -- Central Office

Organization	Functions
OFFICE OF TRIBAL RESOURCES DEVELOPMENT	
Division of Business Enterprise Development	Development of Indian-owned and operated businesses
Division of Credit and Financial Assistance	IFA programs, credit services, tribal lending programs
Division of Job Placement and Training	ART, DE, and on-the-job training programs
Division of Indian Technical Assistance	Administers IAP by providing technical assistance and resources through IAT contract
Division of Transportation	Road construction and road maintenance programs
OFFICE OF INDIAN EDUCATION PROGRAMS	
Cultural Studies Staff	Curriculum development, bi-lingual education research studies
Indian Education Resources Center	Continuing education, educational assistance, educational audio-visual services, education evaluation and research, school facilities
Management Support Staff	Management reports, management and administrative services, program support
Planning and Program Development Staff	Budget guidelines, program development
Division of Elementary and Secondary Education	Grades K through 12, curriculum development, principal evaluation, needs assessment
Division of Post-Secondary Education	Post-secondary education curriculum development, program evaluation, needs assessment
Post-Secondary Schools	Administration of post-secondary schools

OFFICE OF TRUST RESPONSIBILITIES

Division of Trust Facilitation	Environmental control, rights protection, tribal rolls
Division of Trust Services	Financial investments, grazing rights, land use, appraisal, minerals and mining

OFFICE OF INDIAN SERVICES

Division of Tribal Government Services	Tribal relations, enforcement, judicial services
Division of Tribal Planning Services	Planning assistance, youth and adult programs, Indian census, agricultural extension
Division of Law Enforcement Services	Crime prevention and deterrence, investigations, Indian Police Academy, SOS unit
Division of Social Services	Welfare payments, child welfare, tribal work experiences program
Division of Housing Services	Housing improvement program, real estate leases, residential counseling and training program
Division of Indian Self-determination Services	Contract support, self-determination grants, training and technical assistance, planning

OFFICE OF ADMINISTRATION

Financial Management, Division of Accounting Management	Accounting, fiscal operations, financial management, accomplishment reporting, centralized payroll, automatic personnel records systems, employee data and compensation
Financial Management, Division of Program Development and Implementation	Budget formulation, annual program plans, budget justifications, field planning allowance and tentative allocation
Personnel Management	Personnel management policies, objectives, guidelines, problems

ADP Planning Staff	ADP policies, guidelines and standards, liaison with other Interior offices and other Federal agencies
Field Administrative Office	Support services to Central Office operations in Albuquerque and other locations
Contracting and Grants Administration Staff	Contract and grant policies, procedures and practices
Management Services, Division of ADP Services	ADP systems technologies and equipment
Management Services, Division of Facilities Engineering	Construction of new facilities, architecture, engineering, construction management, contract services
Management Services, Division of Management and Personnel Evaluation	Organization evaluation, organization analysis, paperwork management, management systems development, management programs, managerial operating methods and procedures
Management Services, Division of Property Management	Management of real and personal property, space, and motor vehicles; procurement
Management Services, Division of Safety Management	Area safety programs; safety and health programs
Indian Police Academy	Brigham City, Utah
Special Operation Service Unit (SOS)	Brigham City, Utah

Location Of The Bureau's Area Offices And Their Areas Of Coverage

The BIA maintains 12 area offices, as follows:

Location	Number Of Offices Under Area*
Aberdeen, South Dakota	14
Albuquerque, New Mexico	9
Anadarko, Oklahoma	10
Billings, Montana	10
Juneau, Alaska	7
Minneapolis, Minnesota	7
Muskogee, Oklahoma	14
Navajo, Window Rock, Arizona	6
Phoenix, Arizona	18
Portland, Oregon	11
Sacramento, California	6
Washington, D.C. (Eastern)	7
Total	119

(Appendix D lists their addresses and telephone numbers and areas of coverage.)

For administrative support, Muskogee services Anadarko, Aberdeen services Minneapolis, Phoenix services Sacramento, and the Central Office services Eastern.

* Includes agencies, schools reporting to Area Director, irrigation projects, field offices.

Central Office Organizational Entities Located Outside Washington, D.C.

Primarily as a result of an emphasis on decentralizing during the last administration, there are a number of BIA entities located outside Washington, D.C. with national scope of operations. They are as follows:

Central Office Organizational Entities Located Outside Washington, D. C.

1.	Southwest Field Coordinator	Albuquerque, New Mexico
2.	Joint Use Administrative Office	Flagstaff, Arizona
3.	Investment Branch, Office of Trust Responsibilities	Albuquerque, New Mexico
4.	Land Records Improvement Program, Office of Trust Responsibilities	Albuquerque, New Mexico
5.	Fire Management, Office of Trust Responsibilities	Boise, Idaho
6.	Division of Transportation Staff, Office of Tribal Resources Development	Albuquerque, New Mexico
7.	Indian Technical Assistance Center (ITAC), Office of Tribal Resources Development	Lakewood, Colorado
8.	Division of Financial Assistance Audit Staff, Office of Tribal Resources Development	Lakewood, Colorado
9.	Indian Police & Research Center, Office of Indian Services	Brigham City, Utah
10.	Cultural Studies Staff, Office of Indian Education Programs	Santa Fe, New Mexico
11.	Institute of American Indian Arts, Office of Education Programs	Santa Fe, New Mexico
12.	Haskell Indian Junior College, Office of Indian Education Programs	Lawrence, Kansas
13.	Southwestern Indian Polytechnic Institute, Office of Indian Education Programs	Albuquerque, New Mexico
14.	Indian Education Resources Center, Office of Indian Education Programs	Albuquerque, New Mexico
15.	Division of Educational Audio-Visual Services, Office of Indian Education Programs	Brigham City, Utah
16.	Field Administrator, Office of Administration	Albuquerque, New Mexico
17.	Division of Accounting Management, Office of Administration	Albuquerque, New Mexico
18.	Division of ADP, Office of Administration	Albuquerque, New Mexico
19.	Division of Safety Management, Office of Administration	Albuquerque, New Mexico
20.	Division of Facilities Engineering, Office of Administration	Albuquerque, New Mexico
21.	Branch of Federal Supplies & Property Inventory, Office of Administration	Albuquerque, New Mexico

Results And Recommendations Of The Indian Policy Review Commission

The American Indian Policy Review Commission evaluated a wide range of subjects, most of which are related directly or indirectly to the BIA.

One aspect of the Commission's work was a Bureau of Indian Affairs management study, which was completed in September 1976. The objectives of the study were to:

- Pinpoint and evaluate key decision points, the amount of discretionary authority exercised and the level of Indian participation in the budget process
- Identify and assess manual and automated information systems used to manage, evaluate and control the Bureau in order to determine needs and shortcomings, including possible economies and efficiencies
- Examine present personnel activities and employee relations techniques to determine if the Bureau is responsible to the Indian people
- Identify and evaluate the management relationships which exist between the Indian people, the BIA and other government agencies to determine the most effective methods for delivering services
- Eliminate unnecessary duplication of previous management and organization studies by reviewing their conclusions and recommendations.

The BIA management study resulted in 23 recommendations, grouped under three subject headings:

- Budget process
- Personnel management
- Management information.

In addition there was a section on reorganization of the Bureau.

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PRINCIPAL RECOMMENDATIONS FROM GAO REPORTS

Controls Over Indian Self-Determination Contracts, Grants, And Training And Technical Assistance Activities Need To Be Strengthened

- Give the tribes complete funding data and information on (1) the individual programs for which funding priorities are to be identified, (2) each tribe's share of Bureau programs not subject to tribal input and (3) other available Federal benefits and services.
- Identify the "unavoidable minimum amount" of funds by program necessary to maintain Federal trust responsibilities and services the Bureau cannot eliminate so that the tribes will know the amount of funds actually available to change the mix of programs and funding priorities.
- Increase the number of programs and related funding subject to direct tribal input.
- Give the tribes more time to develop program-funding priorities.
- Revise the procedures and requirements for setting program-funding priorities to assure that tribal officials are given an opportunity to identify their priorities.
- Revise the procedures and requirements for developing new program proposals and making major revisions to existing programs to provide the tribes an opportunity to participate.
- Review the Bureau's Planning, Programming and Evaluation Data System to determine how it can be improved to provide the tribes with the information to evaluate program performance and managerial effectiveness.
- Identify the number of Indian tribes and Alaskan Native groups requiring planning assistance and allocate funds accordingly for comprehensive tribal plans and needs analyses.

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The Bureau Of Indian Affairs Needs To Evaluate Its Indian Training Program And Assist Tribes In Training Efforts

- Establish, with the Indian contractors, measurements to evaluate the effectiveness of the Indian Action Team Program.
- Modify the Indian contracts to reflect the measurement criteria established including reporting requirements.
- Require that Indian contractors be responsible for submitting the necessary reports to ITAC for evaluation purposes.
- Evaluate the Indian contractors' performance as soon as possible to identify those programs that should be cut back or discontinued.
- Evaluate proposed training programs and fund the most promising ones if, as a result of the contractor evaluations, funds become available.
- Review all Indian Action Team Program contracts with the Indian contractors to determine if technical assistance may be needed and to provide such assistance.

The Indian Self-Determination Act - Many Obstacles Remain (March 1978)

To promptly resolve the problems and obstacles inhibiting tribes from contracting under Title I, we recommend that the Secretaries of the Interior and HEW direct BIA and IHS to establish criteria for measuring their progress in implementing the Self-Determination Act. In addition, they should promptly develop and implement procedures for:

- Ensuring that tribes have a full understanding of their options under title I.
- Helping tribes obtain the information needed for fully informed decisions on assuming programs or program segments. Specifically, the agencies should use their own survey results and provide the training and technical assistance needed by the tribes. This may require:
    - o Helping tribes assess their ability to operate and manage the contractable programs

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- o Guiding the tribe in determining how to acquire the skills or resources needed to contract for a particular program or program segment, including training and assistance available from the agencies.

In addition, some tribes may even require:

- A description of the programs and program segments available for contracting under title I
- A list or description of the services delivered to the tribe by the agencies.

Tribal Participation In The Bureau Of Indian Affairs Budget System Could Be Improved

- Give the tribes complete funding data and information on (1) the individual programs for which funding priorities are to be identified, (2) each tribe's share of Bureau programs not subject to tribal input and (3) other available Federal benefits and services.
- Identify the "unavoidable minimum amount" of funds by program necessary to maintain Federal trust responsibilities and services the Bureau cannot eliminate so that the tribes will know the amount of funds actually available to change the mix of programs and funding priorities.
- Increase the number of programs and related funding subject to direct tribal input.
- Give the tribes more time to develop program funding priorities.
- Revise the procedures and requirements for setting program funding priorities to assure that tribal officials are given an opportunity to identify their priorities.
- Revise the procedures and requirements for developing new program proposals and making major revisions to existing programs to provide the tribes an opportunity to participate.
- Review the Bureau's Planning, Programming and Evaluation Data System to determine how it can be improved to provide the tribes with the information to evaluate program performance and managerial effectiveness.

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- Identify the number of Indian tribes and Alaskan Native groups requiring planning assistance and allocate funds accordingly for comprehensive tribal plans and needs analyses.

Greater Federal Efforts Needed To Improve Standard Of Living Of Indians Through Business Development

- Conduct an economic feasibility study that identifies reservations considered most likely to support self-sustaining economic development and carry out a comprehensive business development program including (1) aggressively pursuing promising businesses to locate on reservations, (2) providing them initial financial assistance, and (3) assisting them in becoming self-sustaining and profitable enterprises
- Decide whether long-term Federal support should be provided to economically develop other reservations or whether alternative strategies are needed to improve the living standard of Indians living on reservations that lack potential for successful business development, and if so, develop new strategies and propose them to the Congress for implementing authority and funding
- Establish specific procedures and guidelines to preclude making revolving fund loans to tribal relending organizations that have experienced continuous problems
- Approve loans only when there is reasonable prospect of repayment
- Correct deficiencies in the revolving loan funds automated accounting system
- Insure that the required documentation is obtained, is accurate, and is evaluated by BIA before making or guaranteeing loans and grants
- Establish a policy restricting participation in the guaranteed loan program to only private lenders that demonstrate adequate loan-serving capability
- Insure that necessary technical and management assistance is promptly identified and provided
- Concentrate on identifying and correcting deficiencies in the grant computer system, including requiring that each agency obtain the required information reports from its grantees.

- The Assistant Secretary should also (1) review BIA's policy of allowing lenders to arbitrarily require short repayment terms on guaranteed loans and change the policy if it is not consistent with normal loan practices or places an unreasonable financial burden on the loan applicant; and (2) determine the reason why there have been no insured loan agreements, the effect this has on hindering the development of Indian business, and what action is needed to make the loan program viable.

- The Congress should determine whether or not the restrictive provision in section 201 of the Indian Financing Act preventing 300,000 individual Indians from participating in the guaranteed and insured loan program should be continued and if not, consider amending it to allow participation.

- We recommend that the Congress consider consolidating Federal Indian economic development programs and place them in a single agency.

More Effective Controls Over Bureau Of Indian Affairs Administrative Costs Are Needed (Dated February 15, 1978)

- Revise its accounting system to use its organizations' operating budgets, as approved by the Bureau's budget office, to control costs and prevent unauthorized deviations from operating budgets.

- Establish fund controls that will keep area office within amounts budgeted and require them to obtainprior approval from the Bureau's budget office for significant deviations.

GAO also recommends additional actions that should be taken by the Bureau to correct accounting system weaknesses. The revised system should [illegible] submitted to GAO for approval.

The Bureau has time to make reductions in its 1978 administrative costs, and the Secretary of the Interior should direct the Bureau to:

- Act immediately to reduce its administrative costs for fiscal year 1978 by most, if not all, of the $4 million requested by the committees

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- Discontinue plans to show reimbursement for computer operations as reductions in administrative costs.
- Identify and eliminate (1) positions that overlap or layer another position and (2) unqualified personnel.

Information On Organization And Functions Of The Indian Education Resources Center (Dated February 15, 1978)

Assistance provided by the Center is generally regarded as satisfactory by its clientele - mostly BIA field offices and schools. However, we have previously reported, and school and Center officials have stated, that the Center could do more to improve the education provided to Indian children. Center officials and the Director of Indian Education said that the additional needed services, such as monitoring and evaluation of school activities, have not been provided because of staffing problems and/or travel fund limitations.

On the basis of recent travel, we believe two of the divisions should remain in Albuquerque, but we can see no reason why the Center's other two divisions located in Albuquerque need to be there. However, if these two divisions perform additional monitoring and evaluation, they also will have to perform more travel and may need to be located in the field.

Controls Are Needed Over Indian Self-Determination Contracts, Grants And Training And Technical Assistance Activities To Insure Required Services Are Provided To Indians (Dated February 15, 1978)

The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to develop a management reporting system to help monitor and control self-determination contracts, grants, and training and technical assistance activities. The Assistant Secretary should also be directed to revise the Bureau's policies, regulations, procedures and practices as appropriate to:

- Prohibit award of contracts in which the starting date precedes the date of award.
- Require that all contracts and grants include specific criteria against which to measure performance.

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- Require that contracts and grants are effectively supervised and monitored by contract and grant officers. This should include (1) designation of full-time contract and grant officer representatives at the area level rather than agency level in order to remove conflict of interest, (2) clear description of contract and grant officer representative responsibilities, and (3) adequate training of contract and grant officer representatives.

- Prevent training and technical assistance funds appropriated for self-determination purposes from being used for assistance that does not help tribes (1) develop the capability to negotiate and administer self-determination contracts and grants of (2) improve their managerial and governmental capabilities required to fully exercise their self-determination options.

The Bureau Of Indian Affairs Needs To Determine How Well Its Indian Training Program Is Working And Assist Tribes In Their Training Efforts (Dated February 15, 1978)

The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to carry out the recommendations of the Bureau's management review team and to make every effort to reorganize the Indian Technical Assistance Center in the manner outlined in the Bureau's draft operating manual. The Assistant Secretary should then instruct the Chief of the Center to:

- Establish, with the Indian contractors, measurements to evaluate the effectiveness of the Indian Action Team program.

- Modify the Indian contracts to reflect the measurement criteria established and the reporting requirements.

- Require that Indian contractors submit necessary reports to the Center for evaluation purposes.

- Evaluate the Indian contractors' performance as soon as possible to identify those programs for which further contracts should not be negotiated.

- Evaluate proposed Indian Action Team programs and fund the most promising ones if, as a result of the contractor evaluations, funds become available.

IV - RECOMMENDATIONS AND SUPPORTIVE LOGIC

A. Organizational Structure, Systems, Better Process and Overall Administration

This chapter describes the recommendations of the Task Force.

As the name implies-- "BIA Reorganization Task Force"-- a major emphasis of the study work was focused on the Bureau's organization structure -- its internal effectiveness from the Central Office to area and agency offices, and the interrelationship of the BIA structure with other Department of Interior organizations and with other Federal agencies.

Because of limitations on time and resources, the Task Force focused on what appear to be the more major organizational issues and problems rather than performing in-depth analyses of every organizational unit. Therefore, this report with its accompanying recommendations represents a first step in a process that should be carried forward over the next 12 to 18 month period.

It should be emphasized that it is people who make an organization work -- not organization structure. As part of the implementation effort, a program should be established to continuously upgrade the management skills of the Bureau's management people at all levels.

Within this framework, the following are the recommendations:

Central Organization

1) The top level organization should consist of the Assistant Secretary for Indian Affairs with three principal Deputies -- for policy, planning and evaluation, for operations (Commissioner), and for budget and finance (Comptroller).

2) The Assistant Secretary should have a relatively small immediate staff reporting through an Executive Assistant.

3) The Assistant Secretary should establish a regular, informal process through which he can make direct contacts to hear the views of a wide variety of field employees of the BIA, Indian tribal members, and Alaska Natives.

4) To reflect the high level of commitment to self-determination on the part of the Bureau, program and policy implementation of P.L. 93-638 should be placed under the Deputy Assistant Secretary--Policy, Planning and Evaluation.

5) Administration of existing training programs and special facilities should be consolidated under the Deputy Assistant Secretary--Operations (Commissioner) so as to improve the training and technical assistance capabilities of the Bureau immediately, to meet the needs of its personnel and of Indian tribal governments and Alaska Natives; and these functions should be physically consolidated at a centralized location.

6) The Management Research and Evaluation (MR&E) Unit should be strengthened, and should report directly to the proposed Deputy Assistant Secretary for Policy, Planning and Evaluation.

Field Structure and Executive Management/Development

7) The Area Office organization structure should reflect the functional structure of the BIA Central Office staffs under the Assistant Secretary for Indian Affairs.

8) The present responsibilities and authority of Area Directors should be thoroughly reviewed by the Assistant Secretary and the three Deputies. New job descriptions should be written in consultation with individual Area Directors on a contractual basis, reflecting the unique aspects of the particular area. Clear performance measures should be agreed upon and should be subject to frequent review (quarterly).

9) The Area Office should reflect two major responsibilities to agencies:

- to furnish administrative support, supervision, evaluation/monitoring;
- to establish tribal needs and to ensure that these needs are met, either through contracting with tribes or through agency levels, and at area levels only if tribe or agency cannot meet the needs.

10) Consideration should be given to the location of field offices; there should be a review of each Area Office on a case-by-case basis to consider the need to retain or combine these offices. Particular consideration should be given to:

- moving the Juneau Area Office to Anchorage;
- consolidating the Muskogee and the Anadarko Area Offices, and locating in Oklahoma City.

11) Top management should institute a system of positive incentives, including monitoring of promotion and rotation policies to enhance performance effectiveness, advancement opportunities and general management versatility of executives on all levels of BIA operations.

12) The BIA should create a management development program to provide opportunities for all intermediate and senior management and professional staff to gain new experiences and acquire new skills, thus preparing themselves for promotion to higher levels of responsibility within the BIA, the Department of the Interior or other agencies of the Federal Government.

13) The Secretary of the Interior could periodically state publicly his support and his own dedication to the principles of Indian self-determination and ongoing trust responsibility, to provide credibility to the determination of the Department of the Interior to make the most of the capacities of the BIA.

14) Top management should have the option of appointing people in the "Schedule C" category for Area Director positions.

Budget System

15) The Budget system should be redesigned so that it is soundly based on needs determined at the reservation or local level, with a variety of funding sources effectively integrated to meet these needs.

16) Funding levels for the tribal programs and tribal service delivery which are under contract to tribes or corporations and to multitribal groups should be related to needs, e.g., to actual functions to be performed.

Management Systems and Process

17) The Bureau should establish clear organizational and programmatic objectives and use them as a basis for program management and evaluation.

18) The Central Office and each Area Office should be subjected to a management audit by the Central Office every two years.

19) The BIA Management Information System should be upgraded to provide the accurate, timely information necessary for sound management decisions at all levels.

20) A data bank for access to Indians and Alaska Natives possessing critically needed skills should be designed and implemented.

21) The top management of the Bureau of Indian Affairs should ensure that personnel standards of the Civil Service Commission are upheld on all levels of the Bureau, and that sound, flexible personnel management principles are utilized.

22) The BIA's Policy/Procedures Manuals should be reviewed and updated annually.

Management and Implementation of the Federal Trust Responsibility

23) The Bureau and Department trust responsibility functions should be strengthened and extended in Washington and the field:

- The Office of Trust Responsibilities should be charged with being an activist trust rights unit with sound technical backing; and with its advocacy mission and its activist functions clearly stated, understood, and supported throughout the Bureau and the Department;
- Rights Protection Office should have status equivalent to other units, and increased staffing;
- Rights Protection units should be established in the field; with trust advocates at each agency;
- Legal staff reporting to Associate Solicitor for Indian Affairs should be placed in the field.
- An Indian Trust Council should be established in the Department, and a Federal Indian Trust Committee at the National level consisting of highest responsible officials, to consider matters of trust policy.
- The Solicitor should be formally entitled to file separate briefs in cases of conflict of interest.

24) An Office of Resources Development should be established under Trust Responsibilities to provide competent, sophisticated assistance to tribes in technologies and in economic analysis for management, conservation and development of natural resources.

Economic Development and Services to Indian Tribes and Alaska Natives

25) An Office of Business and Economic Development reporting to the Deputy Assistant Secretary -- Operations (Commissioner) should be established to provide Indian tribes and Alaska Native corporations with sophisticated assistance in finance, economics, and marketing, etc.; and a competent advocacy service in packaging Federal and private funds and technical assistance.

26) The organizational units of the present Office of Indian Services should be carefully reviewed, and realigned or reinforced as necessary to support a clearly-defined comprehensive Community Services approach to reservation and community needs; needs should be established by Indian tribes and Alaska Natives, and the services delivery planning and implementation systematically linked with other planning such as for education and training, business and economic development, community jobs/skills availability and resources.

Education for Today's Indian and Alaska Native People

27) A statement of the philosophy of education for Indians and Alaska Natives should be formulated.

28) A set of goals and priorities should be systematically developed, consistent with the above philosophy.

29) Maximum participation of Indian and Alaska Native parents, tribal governments, and Indian education experts should be systematically sought in the decision-making process in the community, the region, and Washington.

30) Changes should be made in locations of key BIA education-related organizational units, to assure (a) a focused central direction for all educational programs; and (b) the most efficient distribution of technical assistance resources.

31) Plans for all education-related activities should include statements or steps which recognize or reinforce Indian and Alaska Native cultural heritage as a basis for identity, self-esteem and strength -- as tribes, as communities, and as individuals.

32) Steps should be taken to upgrade the caliber of education offered in tribal, BIA schools, and other schools which serve Indian and Alaska Native people.

33) Community and tribal needs assessments, adequately funded, should be started immediately with full local Indian or Alaska Native participation.

34) Comprehensive school funding packages should be developed, accompanied by a process for commitment to a relatively stable level of funding.

35) Discussions with tribal leaders and educators in the Indian community revealed a strong belief that Indian education should remain in the Bureau of Indian Affairs and not be placed in another Federal Department or Agency.

Consultation: Indian and Alaska Native Participation in Decision-making -- Extent and Limitations

36) The Assistant Secretary and top management of the Bureau of Indian Affairs should:

- clearly define the consultation process,
- develop guidelines for determining when consultation is appropriate,
- establish guidelines for identifying appropriate persons or groups to be consulted.

1. **The top level organization should consist of the Assistant Secretary for Indian Affairs with three principal Deputies -- Policy, Planning and Evaluation; Operations (Commissioner); and Budget and Finance (Comptroller).**

Organization Principles

The following are the general principles upon which this recommendation is based:

- To establish the Assistant Secretary for Indian Affairs as the focal point for leadership (1) in the Interior Department for the management of Indian programs with other Assistant Secretaries on matters of shared concern, and with individual Bureaus; and (2) to work with other Federal agencies in furtherance of comprehensive Indian and Alaska Native goals.
- To enable the Assistant Secretary to be free from day-to-day operating problems so that he can focus on the longer range aspects of Indian programs - strategic planning, budget formulation, legislation Congressional relations, etc.
- To establish a span of control under the Assistant Secretary that is broad enough so that there is no unnecessary layering, yet limited enough to assure effective management control.
- To establish a Deputy Assistant Secretary structure with prime responsibilities for development and execution of Indian program divided according to time frames: immediate -- this year; mid-range -- next year (budget cycle); and long-range -- 3 to 5 years out.
- To effectively retain a position of BIA Commissioner.
- To have a structure that is compatible with the Department of the Interior structure especially in areas of policy, budget and analysis.
- To group like functions together with clear focal points established so that responsibility and accountability for performance and effectiveness can be identified and monitored.
- To make constructive changes to the organization structure, but not to change only for the sake of change with the resulting unnecessary disruption and anxiety.

- To match the top level jobs to the variety of types of skills and experience the Assistant Secretary is likely to need.

Proposed Top Level Structure

Exhibit IV-1 shows the proposed top level organization structure consisting of three principal deputies:

- Deputy Assistant Secretary for Indian Policy, Planning and Evaluation
- Deputy Assistant Secretary for Operations (Commissioner)
- Deputy Assistant Secretary for Budget and Finance (Comptroller)

In addition, the immediate staff of the Assistant Secretary would consist of heads of functions in direct support of the Office of the Assistant Secretary.

Concept of Division of Responsibilities

Exhibit IV-2 is a chart which shows the proposed concept of division of responsibilities between the three principal deputies by time frame:

- The Deputy Assistant Secretary for Operations (BIA Commissioner) would be the chief operations officer primarily responsible for accomplishing the current year program and budget.
- The Deputy Assistant Secretary for Budget and Finance (BIA Comptroller) would be the chief financial officer primarily responsible for formulating the budget for the next fiscal year, and for audit functions.
- The Deputy Assistant Secretary for Indian Policy, Planning and Evaluation would be the chief long-range planning officer directly responsible for developing programs and plans for three to five years out.

As shown in the exhibit, each deputy would also have an an advisory role related to the primary responsibilities of the other two deputies.

Physical Location

Insofar as possible, the principal offices should be co-located for the most efficient use of their time. The Deputy Assistant Secretary for Operations (Commissioner) should be somewhat separated, however, to reinforce the distinction of his functions from those of the Assistant Secretary.

Summary

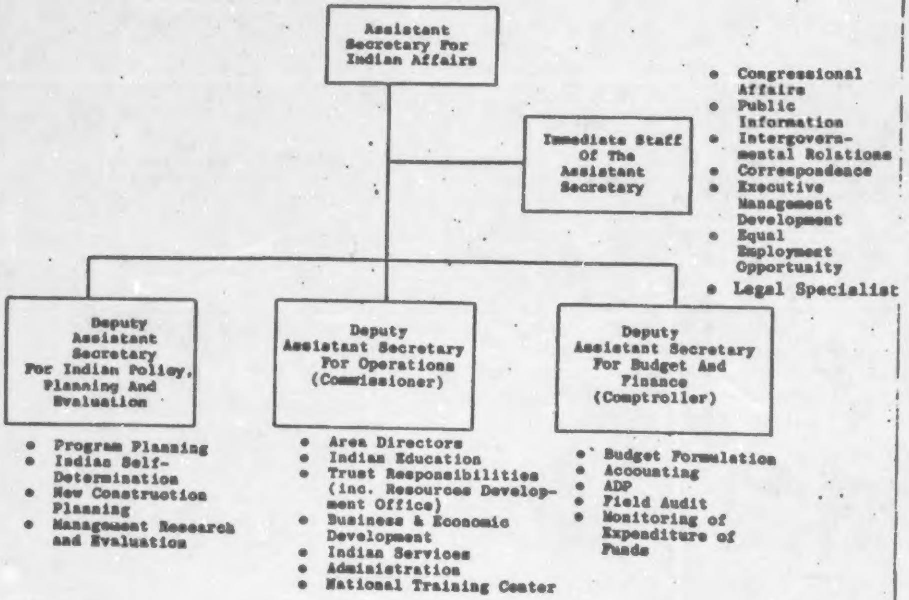
In summary, the following outlines how the proposed structure achieves each of the principles outlined earlier:

Principle	Comment
To establish the Assistant Secretary for Indian Affairs as the focal point for leadership in the Department for the management of Indian programs.	Although the BIA Commissioner would be retained as the chief operations officer, the chief planning officer and chief financial officer would report independently to the Assistant Secretary.
To free the Assistant Secretary from day-to-day operating problems so that he can focus on the longer-range aspects of Indian programs.	The area Directors and Central Office units primarily involved in day-to-day operations would report to the Deputy Assistant Secretary for Operations (Commissioner)
To establish a span of control under the Assistant Secretary that is broad enough so that there is no unnecessary layering yet limited enough to assure effective management control.	Under the proposed structure there would be three principal deputies reporting to the Assistant Secretary, with an Executive Assistant responsible for the Assistant Secretary's immediate staff.
To establish a Deputy Assistant Secretary structure with prime responsibilities for development and execution of Indian programs.	The division would be operations (current year), finance (next year), and longer range planning (three to five years out), and evaluation.

Principle	Comment
To effectively retain a position of BIA Commissioner.	The proposed structure includes a Deputy Assistant Secretary for Operations (Commissioner).
To have a structure that is compatible with the Department of the Interior structure.	It is believed that the proposed structure will establish closer working relationships with counterparts particularly in the departments Office of the Assistant Secretary for Policy, Budget and Administration.
To group like functions together with clear focal points established so that responsibility and accountability for performance and effectiveness can be identified and monitored.	Particular emphasis is placed on the 638 function and on heightened emphasis, system wide, on training.
To make constructive changes to the organization structure, but not change only for the sake of change.	With proper planning and orientation, the proposed changes need not result in major disruption and anxiety.
To match the top level jobs to the variety of types of skills and experience the Assistant Secretary is likely to need.	The Deputy structure calls for people with three different types of background-operations, finance, planning.

EXHIBIT IV-1

PROPOSED TOP LEVEL ORGANIZATION STRUCTURE


Assistant Secretary For Indian Affairs
Immediate Staff Of The Assistant Secretary
Deputy Assistant Secretary For Indian Policy, Planning And Evaluation
Deputy Assistant Secretary For Operations (Commissioner)
Deputy Assistant Secretary For Budget And Finance (Comptroller)

- Congressional Affairs
- Public Information
- Intergovernmental Relations
- Correspondence
- Executive Management Development
- Equal Employment Opportunity
- Legal Specialist

- Program Planning
- Indian Self-Determination
- New Construction Planning
- Management Research and Evaluation

- Area Directors
- Indian Education
- Trust Responsibilities (inc. Resources Development Office)
- Business & Economic Development
- Indian Services
- Administration
- National Training Center

- Budget Formulation
- Accounting
- ADP
- Field Audit
- Monitoring of Expenditure of Funds

EXHIBIT IV-2

PROPOSED CONCEPT OF DIVISION OF RESPONSIBILITIES

Principal Deputies To The Assistant Secretary	Current Fiscal Year	Next Fiscal Year	Fiscal Years Beyond Next Year
BIA Commissioner/ Deputy Assistant Secretary for Operations	Responsible For Accomplishing The Current Year Program And Budget	Provide Input To Next Year's Budget And Zero Base Justification	Provide Input To The Three To Five Year Plan
BIA Comptroller/ Deputy Assistant Secretary for Budget and Finance	Account For and Monitor Expenditure Of Funds	Responsible For Formulating The Budget For Next Fiscal Year	Provide Input To Three To Five Year Plan
Deputy Assistant Secretary for Indian Policy, Planning and Evaluation	Evaluate Current Programs As An Input To Future Plans	Provide Budget Guidelines - Limitations, Priorities, Goals, Etc.	Responsible For Developing Program And Plan For Three To Five Years Out

2. **The Assistant Secretary should have a relatively small immediate staff reporting through an Executive Assistant.**

Functions Involved

The proposed functions are those which are needed close at hand by the Assistant Secretary to efficiently perform the function as the chief policy and Congressional relations officer:

- Congressional affairs
- Public information
- Intergovernmental relations
- Correspondence
- Legal specialist
- Executive management development
- Equal employment opportunity

Two of the functions (legal specialist and executive management development) are additions to currently existing functions on the Assistant Secretary's immediate staff.

Legal Specialist

Because most of the issues and problems that the Assistant Secretary for Indian Affairs deals with on a day-to-day basis have legal aspects or overtones, the Task Force believes that the Assistant Secretary needs a legal advisor focusing on a broader range of legal issues than the Solicitor's staff can be involved in.

The proposed legal specialist function is not intended to duplicate or usurp the responsibilities and authorities of the Indian Division of the Department's Solicitor's Office.

Executive Management Development

The Task Force proposes the establishment of an Executive Management Development position to focus solely on the identification and development of the Bureau's future top level professional managers.

The director of Management Development would also be responsible for the training and periodic rotation of Agency Superintendents and other key executives -- both the subject of recommendations presented later in this chapter.

Finally, the position would also serve as the Assistant Secretary's principal assistant for recruiting and screening people to fill top level positions.

3. The Assistant Secretary should establish a regular, informal process through which he and his top management can make direct contacts to hear the views of a wide variety of field employees of the BIA, Indian tribal members, and Alaska Natives.

The major rationale for this recommendation is to correct the complete absence of upward communication within the Bureau.

It is also intended to improve morale among BIA employees by providing rank and file field employees a means of access to top management.

Implementation of this recommendation may take a variety of forms, including periodically scheduled meetings, in Washington and in the field, with different people representing diverse interests.

4. To reflect the high level of commitment to self-determination on the part of the Bureau, program and policy implementation of P.L. 93-638 should be placed under the Deputy Assistant Secretary -- Policy, Planning and Evaluation. Furthermore,

- problems of implementation should receive close attention to remove impediments to the delivery of benefits to all Indians and Alaska Natives.
- all improvement efforts should be expedited.

The Task Force endorses improvement efforts of the Assistant Secretary -- Indian Affairs, P.L. 93-638 Task Force and the Congress.

5. Administration of existing training programs and special facilities should be consolidated under the Deputy Assistant Secretary--Operations (Commissioner) so as to improve the training and technical assistance capabilities of the Bureau immediately, to meet the needs of its personnel and of Indian tribal governments and Alaska Natives; and these functions should be physically consolidated at a centralized location.

Changes in programs and changes caused by laws such as P.L. 93-638 make new demands on the Bureau and tribes. There is limited capability in the Bureau to prepare BIA employees in their assignments or to develop tribal expertise in program administration. A massive training effort is required to meet these many needs, as is a massive and coordinated technical assistance thrust.

The Task Force recommends the current fragmentation of training delivery be resolved by the establishment of a centralized training unit which would provide for a synergistic training effort and more effective use of limited technical assistance and training dollars.

A major thrust of the Bureau is to provide technical assistance to tribal governments (and BIA staff) and these functions are also fragmented.

As these two functions are closely linked, the Task Force recommends a centralized training and technical assistance unit which oversees the following:

- The Indian Technical AssistanceCenter (ITAC) in Denver,
- The National Indian Training Center (NITC) in Brigham City,
- Planning Support Group in Billings,
- Training and Technical Assistance funds provided under P.L. 93-638,
- Technical Assistance oriented to functions of the Indian Education Resource Center in Albuquerque,
- various Area training functions to design training programs.
- The Indian Police Academy in Brigham City,
- The Continental Divide Training Center in New Mexico,

- Planning funds currently in the Office of Indian Services.

A centralized training unit administered by the Central office would:

- assure the Bureau of Indian Affairs a comprehensive employee and tribal training program by planning, coordinating and directing the Bureau training effort,
- assure a broad and systematic approach to training.
- issue policy guidance and resolve conflicts arising from special projects and individual training requests.
- develop guidelines for instructional material development, course modules and innovative training methods.
- monitor and evaluate BIA-wide employee development programs.
- assure the needs of program managers and delivery staffs are addressed, effectively and promptly.
- work with other Federal agencies to develop cooperative relationships; and with State and private agencies as appropriate on behalf of Bureau and tribal and Alaska needs.
- provide a pool of money that tribes can draw on in order to complete comprehensive training development plans integrated with other tribal planning and reflecting overall tribal needs and priorities; funding would be based on the plans.
- provide a training center through which tribes can have ready access to timely and well-focused technical and financial assistance to continue their self-determination efforts.

6. The Management Research and Evaluation (MR&E) Unit should be strengthened and should report directly to the proposed Deputy Assistant Secretary for Policy, Planning, and Evaluation.

This restructuring will put the Unit in a much better organizational position to perform its assigned management analyses and studies objectively.

Staffing

Because of the importance and complexity of the MR&E Unit's work, it should be staffed with relatively high graded people, but few in numbers.

The MR&E Unit had an authorized staffing level in FY 1978 of 20 positions, but currently only 12 are filled. Three of the 12 are on detail, leaving the current staffing at 9. This is severely limiting the Unit's ability to accomplish its work program. Sample task areas include:

- evaluate four area offices per year,
- develop work measurement standards to be used in the evaluation process,
- develop a program to train BIA employees in the use of the metric system,
- implement Presidential objectives, e.g., reduce paperwork,
- coordinate BIA's role in external audits and investigations (GAO, FBI, etc.).

The first step in the implementation of this recommendation should be to staff the MR&E Unit up to its full budgeted complement of 20 people.

Field Structure and Executive Management/Development.
(Recommendations 7-13 are discussed together on page IV-19.)

7. The Area Office organization structure should reflect the functional structure of the BIA Central Office staffs under the Assistant Secretary of Indian Affairs.

One of the important issues that has developed during the Task Force hearings is the lack of direction, communication, and cooperation between the Area Offices and the BIA Central Office.

The Area Office must be organized so that the major functional responsibilities of management reporting, planning, trust, administration, resources development and education have a direct line to the policy makers of the BIA. It is imperative that Area Offices take policy direction from BIA top management.

8. The present responsibilities and authority of Area Directors should be thoroughly reviewed by the Assistant Secretary and the three Deputies. New job descriptions should be written in consultation with individual Area Directors on a contractual basis, reflecting the unique aspects of the particular area. Clear performance measures should be agreed upon and should be subject to frequent review (quarterly).

9. The Area Office should reflect two major responsibities to agencies:

- to furnish administrative support, supervision, evaluation/monitoring;
- to establish tribal needs and to ensure that these needs are met, either through contracting with tribes or through agency levels, and at area levels only if tribe or agency cannot meet the needs.

These responsibilities should be carried out by means of contractual agreements with agencies, such as those negotiated between Central Office executives and Area Office heads, described in separate recommendation.

The Area Office must be responsive to tribal needs, either through agencies or through self-determination procedures, depending upon tribal preference.

10. Consideration should be given to the location of field offices; there should be a review of each area office on a case-by-case basis to consider the need to retain or combine these offices. Particular consideration should be given to:

    1. moving the Juneau Area Office to Anchorage;

    2. consolidating the Muskogee and Anadarko Area Offices and locating in Oklahoma City.

    The task force, limited in time and money, could not give adequate consideration to the relocation or consolidation of area offices. The task force feels that there could be merit, based on testimony and discussions with tribal and Bureau personnel, to consolidating some area offices or the movement of some offices.

    There are many considerations such as travel dollars and time and availability of technical expertise which may influence the movement of these offices.

11. Top management should institute a system of positive incentives, including, but not limited to, monitoring promotion and rotation policies to enhance performance effectiveness, advancement opportunities and general management versatility within the Federal Government of executives on all levels of BIA operations.

12. The BIA should create a management development program to provide opportunities for all intermediate and senior management and professional staff to gain new experiences and acquire new skills, thus preparing themselves for promotion to higher levels of responsibility within the BIA, the Department of the Interior, or other agencies of the Federal Government.

13. The Secretary of the Interior could periodically state publicly his support and his own dedication to the principles of Indian self-determination and ongoing trust responsibility, to provide credibility to the determination on the Department of the Interior to make the most of the capacities of the BIA.

Discussion of Management Capacity and Location Issues

One of the most difficult problems facing the Assistant Secretary of Indian Affairs is how to assist the executives within the BIA organization--Area Directors and others--to provide effective, efficient management, continuity of administration and policy implementation, and at the same time ensure accountability to Bureau and Department top management, as well as to Indians and Alaska Natives themselves.

Historically, Area Directors have developed their own organizational structures and modes of operation largely in the absence of, sometimes in spite of, leadership from the Central Office. The Areas are diverse, each with widely differing (if not unique) tribal and agency needs to serve.

Having had to function frequently without effective central leadership during the past several years, and being forced to deal with widely diverse conditions peculiar to their particular areas, the Area Directors have assumed a great deal of autonomy and discretionary latitude in decision making. They have also tended to respond to the more immediate pressures from tribes, agency offices, state and Federal legislators. Accountability to the various staff and program officers in the Central office took a lower and less urgent priority. Local backing carried more weight in resolving Washington vs. Area conflicts. The operating mode was reactive, with actions generated most frequently in response to real or perceived crises so continuing relationships in pursuit of mutual long range goals were not readily fostered.

Geographical Considerations

In the light of these considerations, the American Indian Policy Review Commission has raised the question as to the usefulness of retaining a geographically intermediate management or administrative function within the BIA, operating between the tribe and village oriented agencies and the Washington Central office. This task Force firmly believes that elimination of Area offices would create more structural and management problems than it would solve, causing excessive spans of control and thrusting the BIA Central office into day-to-day operations of far away Bureau field offices. If Area Offices were abolished, some other geographical arrangement of mid-level management functions would have to be created, since for sound management it is inconceivable that a structure consisting of some 119 local offices reporting to a remote Central office would prove workable. Nor would six regional service centers be able to do the work that must be performed on intermediate levels.

It is clear, given the bewildering complexities and varieties of tribes, locations, natural resources, interests and service needs that have to be dealt with on Area levels, that Area Directors must be highly flexible, competent, and knowledgeable of local concerns. This does not, however, mandate autonomy from Central office line functions.

Responsibility and Accountability

The Assistant Secretary needs people in the field as well as in the Central office willing to execute both the letter and spirit of his policies and their implementation. Yet he also needs people who know their areas well, and who have the confidence of tribal constituencies and Area office staffs. Finally, he needs executives on area and agency levels who are thoroughly trained in the latest techniques of organizational, fiscal and personnel management, in the oversight of data collection and interpretation, and in knowledge of the complex of federal agencies and regulations so that Indian tribes may request and receive the full assistance to which they are entitled, through BIA and elsewhere in the federal and state governments. All of the qualities mentioned above are keys to the timeliness and effectiveness of BIA management responses to needs of Indians and Alaska Natives.

Management Training

For these reasons one of the most important undertakings of top management in the BIA, backed to the fullest extent by the Secretary of the Interior and all his internal staff resources, must be a comprehensive management training program for executives on all levels of the Bureau: agency, area and central office. This training program must begin immediately, not only with new executive appointments, but with existing staff as well.

Because management competence is lacking in many areas, outside experienced managers must be brought in to do and teach at the same time, either through varieties of on-the-job training or by means of intensive mini-courses of short duration. As a result of such training, BIA managers would be qualified to occupy higher level appointments, not only within BIA, but throughout the Federal government as a whole.

Department Support

The Secretary and top Departmental staff must be substantially supportive of the necessary interfaces with non-Interior offices, (such as Civil Service and OMB) in order to accomplish these goals. The Department can help with provision of competent technical assistance teams and individuals for specific tasks and project terms in support of the Assistant Secretary for Indian Affairs with requisite skills from within and without Interior, available on a contract-model basis.

The Assistant Secretary's Deputies and immediate Staff should have the same status as those of other Assistant Secretaries staffs with regard to pay, communications, and senior policy staff interfaces. Though the Assistant Secretary for Indian Affairs has but one bureau entity in his charge, the same functional separation and Secretarial office support is warranted given the size of the BIA budget with relation to Interior as a whole, and the scope of the programs, which represent virtually every category of Federal domestic assistance.

Recommendations contained in other sections of this Report which are particularly applicable to area office operations are:

- Area Directors should become Schedule C.
- Appropriate training to ensure that Area Directors, Agency Superintendents, and other intermediate managers can function effectively.
- Area and Agency functions and personnel, as well as Central office, undergo periodic management audits.
- Management by objectives will be utilized to achieve synergistic overall Bureau functioning.

14. Top management should have the option of appointing people in the "Schedule C" category for Area Director positions.

Assistant Secretary's Position

This recommendation presents somewhat of a similar concept proposed by the Assistant Secretary for Indian Affairs (described in Appendix A):

> "...A comprehensive review of the need for Schedule C positions in the Bureau (is required) to ensure that top management consists of that cadre of leaders committed to the policies, directions, and changes of the administration, the Department, and the Bureau leadership"
>
> "...I believe this calls for the expansion of the number of Schedule C positions, to include all key Central Office managers as well as all Area Directors."

The flexibility to have some percentage of Schedule C positions in the field would allow:

- Area Director positions could still be filled by people with career experience; and/or
- As special problems or unique management needs arise, the Assistant Secretary would have the option of attracting top flight managers, primarily from industry (Indian or non-Indian) to come in and serve as an Area Director.

The result will be two-fold. Top management will have the ability to infuse "new blood" at the critical Area Director level as the need arises. It should also have a more subtle effect of making the Area Directors who are career appointments, more responsive to the goals and objectives of top management and the current administration as a whole.

15. The budget system should be redesigned so that it is soundly based on needs determined at the reservation or local level, with a variety of funding sources effectively integrated to meet those needs.

Needs should be assessed in terms of

- objectives of and for the people served at the reservation or local level,
- plan of implementation, including priority listing,
- costs.

To ensure that a high percentage of funding from BIA programs reaches the agency or local level, a process should be initiated, containing the following elements:

a) The Bureau should provide leadership and coordination in aggressively seeking adequate funding sources in other Federal agencies, and assisting the tribes in packaging funds from all available sources to meet their needs.

b) The budget system should provide for development projections for a minimum of three years. This system would allow Congress better to understand long range objectives and costs involved in reaching those objectives. The current budget year should be a part of the total budget as a request for authority, eg. Snyder Act.

Such a concept has been supported by various management reviews of the Bureau's budgetary process, including the 1978 Comptroller General's reports and was also recommended by the AIPRC.

Such a budget system would:

- provide for comprehensive budget planning at the local level,
- give ability to evaluate program for more than one year,
- provide flexibility for priority adjustments.

c) Budget formulation system and budget execution system (accounting) should be coordinated so as to identify the real costs of carrying out programs on every organizational level of BIA operations.

This coordination would

- ensure compliance with congressional authorizations;
- evaluate actual costs of accomplishment at various levels of the operation.

16. Funding levels for the tribal programs and tribal service delivery which are under contract to tribes or villages and to multitribal groups should be determined by needs, e.g. to actual functions to be performed.

Many funding levels at the agency level are not adequate to run meaningful tribal programs and tribal service delivery.

The funds are limited, but the tribe, as a contractor, is still held responsible for the quality of the program. A poor funding level results in poor service delivery.

Provisions should be made for the entire budget process to dovetail with the financial requirements of the tribe. The budget formulation process must be based on needs at the local tribal level for tribal considerations to become a priority.

Adequate funding levels or a mechanism to increase the funding level tied with tribal contracts needs to be incorporated into the Bureau's budget process.

A funding mechanism should reflect the funding needs at the reservation level, to underscore that the Federal Government is serious about self-determination. Contracting at multitribal agencies is practically impossible where services of one or two individuals must be divided among eight, ten or more tribes. The result is that the spirit of P.L. 93-638, the Self-Determination Act is subverted not be any Bureau conspiracy or lack of tribal knowledge but by the realities of dollars and cents.

Overall, some flexibility should be designed into the budget process which allows for funding of programs at multitribal agencies and which allows "filling in behind" some positions, such as IPA assignments or details, to provide T/TA to tribes.

Discussion of Budget Systems

The Task Force found widespread dissatisfaction, particularly on local levels, with the Bureau's Budget process.

Some complaints were:

1) There is no comprehensive approach to reservation funding though there are a variety of comprehensive planning efforts in existence.

2) Inadequate funding at the Agency level results in limited program accomplishments, especially at multitribal agencies where it becomes impossible to contract for programs;

3) Constrained funding levels at the agencies are not reflected at Area or Central office levels in the form of similar budgetary constraints.

4) Tribes have not been able to influence those programs not in the band, with report to funding levels, priorities, etc.

5) Continuous changes in what programs are in the band have made it difficult for tribes to determine priorities or make long range plans,

6) There is little openness in the budget process outside of the Agency band,

7) Contracts by tribes which contains an inadequate funding level does not relieve tribes of their responsibility to deliver quality services, though the system severely hampers the delivery of quality services.

8) Minimum budgetary flexibility exists at the Agency level in contrast to Area or Central office levels.

Management Systems and Procedures

17. The Bureau should establish clear organizational and programmatic objectives and use them as a basis for program management and evaluation.

The implementation of Bureau policy and the provision of program services by agency and area offices could be improved by the use of a management by objective approach.

The establishment of specific objectives for individual programs and organizational units is best done within the larger framework of those basic goals, policies, and priorities formulated by the agency's leadership.

The concept of agency and program direction by objective rather than any particular management technique is the thrust of this recommendation. The Bureau needs to be given a strong sense of purpose and policy direction which can be translated into specific objectives.

Using objectives as a principle for organizing the work of the agency can help clarify responsibilities and accountability, improve communication, set priorities, define performance, measure progress, and focus management attention on accomplishments rather than inputs.

18. The Central Office and each Area Office should be subjected to a management audit by the Central Office every two years.

The purpose of the audits would be to provide the Assistant Secretary with a quality assurance and feedback mechanism. The scope of the audits should include not only the Central and Area Offices themselves, but the programs and units under the overall direction of the office.

The audits should be management type audits--broader than the more traditional financial audits.

Each audit should result in a formal written report providing an overall assessment accompanied by specific and implementable recommendations. The draft report should be submitted to the area director for comment prior to its being finalized. A copy of the area director's comments should be included as an appendix to the final report--similar to the procedure used by the GAO for their reports.

A management audit manual should be prepared to serve as a guideline for the audit teams and to bring a degree of uniformity to the effort. The manual should consist of a series of checklists (and forms if appropriate)--one for each functional area in the area office.

19. The BIA Management Information System should be upgraded to provide the accurate, timely information necessary for sound management decisions at all levels.

20. A data bank for access to Indians and Alaska Natives possessing critically needed skills should be designed and implemented.

As the number of job opportunities for people of Indian descent has increased in recent years (within the Federal Government and outside), employers--including the BIA--have experienced continuing difficulty in finding qualified candidates.

Part of the problem is communication related. With the exception of the BIA's personnel system, there is no systematic approach or method for employers to identify qualified Indian canidates for positions.

The concept of an Indian skills bank has been talked about for several years, and most recently endorsed by the Indian Policy Review Commission.

As a starting point, a limited amount of information should be compiled on individuals and put into a computer data base. Examples include:

- Basic identifying information--current name, previous names, last known address and telephone number, social security number.
- Descriptive information--age, sex, tribal affiliation, last known job and work location, Civil Service classification.
- Education--highest educational level achieved, post-secondary schools attended, degrees received.
- Job experience--jobs qualified for, jobs interested in, location preferences.

Over time, the amount of information on each person could be expanded.

System Operations

The main difficulty to be overcome is to first assemble the information on each person and then to keep it up-to-date. The assistance of Tribal Governments should be sought in this effort.

Once designed, the operation of the system could be contracted out to a consortium of national Indian interest groups to operate--e.g., NCAI, NTCA.

Requests could then be made to the BIA or the contractor (by mail or telephone) and the computer file searched by computer terminal operators. Computer printed lists of candidates could then be mailed (or telephoned) back to the person making the inquiry.

As a future potential enhancement, computer tapes of job openings could be obtained on a regular basis from State employment agencies and matched against the skills bank by the computer to identify job opportunities for people out of work or opportunities for advancement.

21. The top management of the Bureau of Indian Affairs should ensure that personnel standards of the Civil Service Commission are upheld on all levels of the Bureau, and that sound, flexible personnel management principles are utilized.

The Task Force endorses the Action steps proposed in the BIA's own Action Plan for Personnel Management Improvement, some of which are being presently implemented.

Uniform practices consistent with sound personnel management policy and Civil Service Commission standards are seriously lacking in the Bureau of Indian Affairs.

22. The BIA's Policy/Procedures Manuals should be reviewed and updated annually.

Exhibit IV-3 shows the contents of the BIA Manual. Although it is fairly comprehensive, it is very out-of-date and a project is underway by the BIA to update it. (It has been more than 10 years since most of the material was last updated.)

The Task Force recommends that the update and publication be completed (in draft) for comment by the end of the current fiscal year (September 30, 1978); and that the review and update procedures become a systematic annual process.

CONTENTS OF THE BIA MANUAL

- Bureau Directives System
- Organization and Organizational Concepts and Functions
- Reservation Acceleration Program
- Delegations of Authority
- Intergovernmental Relations
- Legislative and Tribal Relations
- Inspection
- Records Management Program
- Civil Defense
- Public Information
- Indian Involvement Programs
- Program Analysis
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- Indian Business Development Program
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- Tribal Operations
- Commercial and Industrial Development
- Alaska Native Affairs

Management and Implementation of the Federal Trust Responsibility

Because any organizational changes must be attuned to tomorrow's realities if they are to be useful, the Task Force made some observations as a preface to specific recommendations on trust responsibilities.

The American people, and those responsible for trust management in the federal government, should realize that Indian resource problems and development decisions will inevitably become more complex--and probably more controversial--in the years ahead if the government does not shirk in performing its task as trustee of these resources. We fully anticipate, for example, that

- * the development of Indian and Alaska Native energy resources will involve difficult decisions which will sometimes create conflicts between Indian needs and the energy plans of non-Indian interests;
- * water rights claims brought under the Winters doctrine will increasingly create conflicts between Indian and non-Indian water rights in the Western states;
- * the evolution of Indian self-determination will likewise create new conflicts at state and local levels as Indians exercise their inherent taxing and licensing powers in order to expand their resource base and develop viable economic systems on their reservations; and
- * controversies involving land claims, boundary disputes and fishing rights will also continue to ignite, or exacerbate, contention between Indian and non-Indian interests.
- * decisions respecting the use of Indian and Native Alaskan natural resources should be made by affected tribes. To arrive at these decisions tribes should have access to accurate, technically expert analyses of the resources, their use, value, benefits and disadvantages of development.

As these events occur, recent historical trends indicate that the federal government will be held to a higher standard of trust management--and it is assumed that the government will want to achieve a higher level of performance in discharging its trust responsibilities. Consequently, the recommendations follow out of a conviction that changes are needed which will enable all trust decisionmakers to do a better job of protecting and enlarging Indian rights in the years ahead.

In this spirit, the Task Force makes the specific recommendations which follow.

23. The Bureau and Department trust responsibility functions should be strengthened and extended in Washington and the field:

-- The Office of Trust Responsibilities should be charged with being an activist trust rights unit with sound technical backing; and with its advocacy mission and its activist functions clearly stated, understood, and supported throughout the Bureau and the Department;

-- Rights Protection Office should have increased status and staffing;

-- Rights Protection units should be established in the field; with trust advocates at each agency;

-- Legal staffs reporting to Associate Solicitor for Indian Affairs should be placed in the field.

-- An Indian Trust Council should be established in the Department, and a Federal Indian Trust Committee at the National level consisting of highest responsible officials, to consider matters of trust policy.

-- The Solicitor should be formally entitled to file separate briefs in cases of conflict of interest.

Discussion

A strong statement of the mission, the goals and the priorities of the Office of Trust Responsibilities should be formulated, with provision for systematic review and periodic restatement of priorities.

The Rights Protection Unit should be adequately staffed; and established at equivalent status to the two existing units, (Trust Facilitation and Trust Services). This will allow advocacy and trust enforcement effectively distinct from trustee record keeping, conservation, and development functions.

Regional Trust protection units should be established in regional/area offices (similar to ones now functioning in Phoenix and Billings). These units should have strong, versatile staffs which report through Area Directors according to the established Bureau patterns, with respect to administrative matters; but which work programmatically and on technical service matters directly with the Central Office of Trust Responsibilities. The advice and service capacities of the Trust Protection units should be made available to agency superintendents, and to tribal and village governments. Further, each agency, and other field installation as needed, should have its own trust advocate.

A system should be established by which ad hoc Project Teams can be formed to develop specific cases which embody new policies or call for major decisions. By this means, the Assistant Secretary of Indian Affairs, the Secretary, and other decisionmakers could fulfill their trustee functions based on the best technical data, analysis, and insights available, in timely fashion.

Legal staffs trained and experienced in the range of trust issues should be established in field offices of the Solicitor of the Interior Department reporting directly to the Associate Solicitor for Indian Affairs, and available to Area offices, agencies and tribal governments.

Legal services in educational matters should be made available to school boards, administrators and tribal governments to insure, for example: duly constituted legal entities in control of schools; effective and enforceable contracts for instructional and other services; enforceable codes; students' rights; and appeals procedures that are both fair and binding.

Department

At the Department level, an Indian Trust Council (IDTC) should be established. The Secretary should serve as chairman of this Council. Its two other permanent members should be the Assistant Secretary for Indian Affairs and the Solicitor. The Council should be the policymaking body in all matters where Interior has responsibility over Indian Trust rights.

This group would articulate policy, devise strategy for pursuit of priority trust goals, resolve conflicts and assure that expertise needed from other units of the Department is brought to bear on trust issues. On an *ad hoc* basis the Secretary should designate other appropriate Interior officials to participate in the deliberations of the Council.

The Task Force recommends that the Interior Department Solicitor be allowed to file separate briefs in cases of serious conflicts of interest, such as arise when the Federal trust responsibility appears in conflict with other Federal mandates. (This recommendation would formalize an existing practice.)

The Task Force further recommends that the President establish a cabinet-level Federal Indian Trust Committee. The Chairman of the FITC should be the Vice President, and other permanent members should be the Secretary of the Interior and the Attorney General. This committee should have authority to make government-wide policies and recommendations concerning the protection and enhancement of Indian trust rights, and should be given wide latitude to focus on issues and policy questions which concern the national interest and deserve the attention of the President himself.

24. An Office of Resources Development should be established under Trust Responsibilities to provide competent, sophisticated assistance to tribes in technologies and in economic analyses for management, conservation and development of natural resources.

The major responsibility of the Office of Resources Development should be delivery to Indian tribes and Alaska Natives of highly competent, sophisticated technological assistance in inventory of resources, planning for development or conservation and enhancement, and execution of contracts or other activities in furtherance of plans. Counsel on technologies and economics of development options will parallel the legal assistance offered by the Rights Protection office.

The Resources Development office should have adequate technical capability to deal with the major areas of tribal resource concerns: energy and other minerals; water, land, fish and wildlife; Agriculture -- range, crops, livestock; forestry, timber.

The flow of expertise should be from the Central Staff downward, i.e., as the need is established at the area, agency and reservation level, the capability will be provided to meet specfic program needs.

Viable economic development demands close working relations and well defined interfaces between most, if not all, Bureau divisions and many non-Interior Federal departments and agencies, to develop the necessary infrastructure and business opportunities for qualified Indian entrepreneurs.

Resources Development office responsibilities will center on service to tribes, with the first task being to work on long term planning on a tribe-by-tribe basis; inventory, development options, financing, and time frames.

- Organizing and acquiring staff with the technical competence to do this should have first priority.
- Tribes must be actively involved in decisions as to needs, priorities and assignment of available manpower and dollars.
- The Office of the Secretary should assist during the start-up period with appropriate staff having the necessary expertise in a variety of disciplines; and with assurance of adequate BIA personnel and funding ceilings.

- All plans for this effort must include development of both tribal and BIA personnel capacities in resources management technology.

Justification and related recommendations:

Development of major resources is closely related both to trust responsibilities and to the business and entrepreneurship kinds of economic development opportunities for tribes and for individuals.

A division of responsibilities can logically be made resulting in two units, the Office of Resources Development under Trust Responsibilities, and an Office or Business and Economic Development elsewhere. The offices should be closely and systematically related under one manager or through specific coordination procedures such as joint tribal planning assistance projects, regular joint staff meetings, shared communicatons, and review and concurrence procedures.

Economic Development and Services to Indian Tribes and Alaska Natives

25. An Office of Business and Economic Development reporting to the Deputy Assistant Secretary --Operations (Commissioner) should be established to provide Indian tribes and Alaska Native corporations with sophisticated assistance in finance, economics, and marketing, etc.; and a competent advocacy service in packaging Federal and private funds and technical assistance.

It would include and extend some of the divisions under what is now called Tribal Resources Development. It would be designed to complement the functions of the proposed Office of Resources Development.

Emphasis would be placed on helping tribes and Alaska Native groups coordinate and package funds both Federal and private, along with BIA funds. A wider, more innovative and aggressive approach to the economic viability of reservations as a whole should be developed, for the benefit of reservations, and Alaska Native-owned land, communities and tribally sponsored industrial development, and individual Indian entrepreneurs.

Staff should include a high level of competence in such disciplines as economics for diversified growth planning, product market analysis and the like, for the range of Indian business actual and potential--minerals, crops, livestock, fishing, agriculture, etc. Means should be found to stimulate venture capital coming on reservation despite bonding constraints, e.g., Indian Development Bank.

The planning and activities of many organizational elements of the Bureau should be systematically coordinated with the Office of Business and Economic Development so that qualified Indian and Alaska Native businesses have maximum opportunity to capture economic benefits from:

- energy resource development, forest products, agricultural crop and livestock processing, including, over time, the trades and services demanding sophisticated technologies and skills which now so often leave, or never come on the reservation for lack of qualified Indian personnel.

- construction and other business resulting from reservation funding for housing, (new starts and self help); public facilities and other infrastructure construction, operation and servicing.

Sophisticated advice and technological expertise would be available, largely on a team basis, as needed by tribes and agencies, with technical assistance geared to different stages of need:

- Planning and early development;

- Follow through with assistance tailored to protecting capital investment during business start-up, and during the transition period when a solid business base is being developed;

- Expansion and diversification assistance, to build on success.

Bureau staff would function as advocates to lower the administrative barriers to Indian entrepreneurship posed by such things as Federally-assisted housing design stipulations.

Infrastructure should be closely integrated with economic development. Careful consideration should be given to moving some organizational elements of the present office of Indian Services, such as those responsible for housing and physical facilities, to bring at least the planning for key infrastructure elements into an alignment providing tribes necessary support for development of viable economies.

Options for creating useful working alignments include not only reorganization, but better designed and more conscientiously applied communications and coordination procedures.

A systematic leadership role in attracting funds from other agencies and private industry will require those same kinds of procedures. Establishment of field contacts with other agencies, and development of agency (and area) "grantsmanship" capabilities in support of tribal development planning are essential.

26. The organizational units of the present Office of Indian Services should be carefully reviewed, and realigned or reinforced as necessary to support a clearly-defined comprehensive Community Services approach to reservation and community needs; needs should be established by Indian tribes and Alaska Natives, and the services delivery planning and implementation systematically linked with other planning such as for education and training, business and economic development, community jobs/skills availability and resources.

Because of the highly localized nature of municipal services for the various Indian and Alaska Native communities, the diversity of tribal and Native needs is so great that a single clear-cut organizational recommendation in this area is not possible. Consideration should be given to setting a common standard for requirements, insofar as is possible within State and other applicable mandates.

The overall management systems improvements, and the recommendations with regard to training of both BIA and tribal personnel elsewhere in this report will have clear, positive results on some current malfunctions in delivery of Indian Services. So will the Budget oriented recommendations regarding contracting under 93-638.

Needs should be assessed by tribes with support of the Bureau -- needs assessments can in many cases be coordinated with needs assessments for other government programs.

A planning, implementation, follow-through, and evaluation sequence needs to be designed to provide a recognized Community Services planning framework within which individual Indian tribal and Alaska Natives needs for services and capabilities to provide services can be systematically arrayed and dealt with.

Planning should take place in close conjunction with planning for other reservation program and development planning (although coordination should not delay delivery) -- planning for education and training facilities and programs, business and economic development planning, and resource development, roads or other physical facilities planning.

Special care should be taken to preserve the office's flexibility to deal with the essentially unique combination of needs for municipal-type services presented by the range of Indian tribal and Alaska Native governments to be served.

Care should be taken to preserve those existing systems and relationships with individual tribes and Alaska Native corporations which are working to their satisfaction.

Consideration should be given to changing the name of the function to Office of Community Services to underline the comprehensive planning framework approach.

A special effort should be made by offices responsible for Public Information and for communications with Indian and Alaska Native constituencies to be sure that success stories and useful experiments are relayed to other communities as options for solving their problems, and improving their quality of community life.

Education for Today's Indian and Alaska Native People

The Federal Government is more deeply involved in the education of Native Americans than in the education of any other group of American citizens. It now spends over $500 million per year for this purpose, with this spending about equally divided between the Interior Department's Bureau of Indian Affairs (BIA) and HEW, Office of Education (OE). Yet the educational attainment of Indian and children and adults is poorer than for any other major group. In addition, the overwhelming bulk of these funds are administered outside tribal and community control, despite the fact that the statutory objective of Federal Indian policy is to begin "an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs."

The recommendations which follow are targeted to BIA education programs, respecting the limitations imposed on the current task force effort. Through the leadership of the tribes and villages, Bureau personnel, the Assistant Secretary for Indian Affairs and the Secretary, much can be done in other education program areas at the same time as efforts focus on strengthening BIA's capacities to respond to Indian and Alaska native needs in education.

Further, the recommendations of this report focus on education of young people, but the underlying principles can well be extended to all ages -- to provide advanced and continuing education through a range of personally fulfilling Indian and Alaska Native cultural enrichment opportunities.

27. A statement of the philosophy of education for Indians and Alaska Natives should be formulated.

A basic philosophical statement should be articulated to reflect Indians' concept of what education for Indians should be. The statement should reflect:

- respect for traditional cultural beliefs, retaining strong identities as tribes and as individuals;
- historical and traditional rights to education of tribes because of the special relationship with the Federal government;
- self determination;
- interface with dominant culture;
- the freedom of choice among sound educational options.

Education governed by this philosophy should provide Indian and Alaska native students:

- basic tools essential to learning in today's world,
- appreciation of oneself, one's society, one's place in the world,
- ability to think critically,
- opportunity to develop creatively,
- options for vocational and professional skills, marketable within the community of choice.

28. A set of goals and priorities should be systematically developed, consistent with the above philosophy.

The system established to develop and maintain a set of goals and priorities should provide for:

- means to reach the goals, e.g. manpower and resources needed, planning, schedules for completion, assignments of responsibility, etc.;
- continuing review and evaluation of goals and priorities, allowing for change as goals are reached, or as events may change priorities;
- continuing input from tribal and Alaska native communities in setting goals and priorities and in steps to implement.

The goals and priorities would be based on the stated philosophy of Indian and Alaska Native education, and the needs of the tribes and villages, rather than, as in the past, on the appropriations available.

The goals and priorities once established by the Assistant Secretary, with meaningful tribal participation, would be communicated not only throughout the BIA operated schools, but through appropriate advocates and informed leadership to public schools with Indian populations as well.

Needs assessm[illegible]nd educational codes already developed by some tribes pro[illegible] a basis for goals and priorities. Other tribes and villages should have access to these models and incentives to develop their own assessments and codes.

The basic system should be established, with tribal and native input throughout, within no more than two years.

29. Maximum participation of Indian and Alaska Native parents, tribal governments, and Indian education experts should be systematically sought in the decision-making process in the community, the region, and Washington.

Community

BIA-operated schools and the three post-secondary education institutions should be administered with maximum local participation as soon as possible,

- using Boards of Regents, tribal or Alaska Native school boards, or multi-tribal school boards, as appropriate;
- with board having authority for operations including contract negotiations, budget approvals, hiring and firing of staff;
- accountable to students, parents, tribal and village governments, and school administrators for quality of education; (guidelines for accountability will include mechanisms for resolving conflicts and bringing appeals to a binding solution);
- with a policy of offering alternatives to hiring teachers only through Civil Service, without the necessity of contracting for the entire school operation.
- if civil servants are replaced, alternative Civil Service jobs should be found for them, or they should be otherwise provided for via early retirement or by other means.

Regional

Regional/area school boards should be established, representative of local school boards, including parents, tribal and village governments, and recognized Indian education experts, to be responsible for continuing Indian input to decisions such as locations, staffing, and other resources needed for wider-than-local technical support. One member, perhaps the Chairman, would serve on a national committee or board.

Intermediate or regional offices should assist school boards and tribal governments in region/area,

- to initiate and carry out educational needs assessments and planning;
- to maintain two-way communication between Indian or Alaska Native community and Washington on overall policy and regulation, and on tribal needs and concerns, as reflected in budget and other participation opportunities;
- to develop necessary legal entities and instruments for local management of schools;
- encouraging both *provision* of local options for education in Indian and Alaska Native schools, public schools, and boarding schools and the *understanding* of the options available;
- assist tribes in selecting geographical location for its educational services center, and acquiring the necessary resources and expertise to be made available there.

National Level

A working committee should be established to advise the Assistant Secretary on establishment of goals and priorities, and on implementation, review and evaluation.

The committee should be made up of tribal education leaders, Indian and Alaska Native educators who are recognized experts in their fields both locally and nationally, and parents representative of local school boards, and able to relay communications from tribal communities as well as to them. Recognized Indian education groups should have access to the committee through appropriate consultation procedures and representation.

Members of the working committee should represent such key areas of expertise as teacher training, curriculum development, library, audio-visual learning materials, school administration, educational data gathering and use (including statistical data).

Membership should be short-term, if not ad hoc, allowing flexibility so that expertise targeted to particular priority needs can be brought to bear, within a specific timeframe, for action recommendations to the Assistant Secretary. The working committee should be product oriented. That is, it should undertake projects and develop specific recommendations in areas of need, as opposed to being a general advisory panel with broad, philosophical reasons for being, but with no sharply focused goals.

Overall

The initial and continuing task of boards/committees at each level and location should be to develop goals and priorities for each kind of educational need under its control;

- to communicate these to higher level and/or
- to oversee implementation as plans are drawn and resources become available;
- to resolve conflicts between points of view or priorities, in a systematic and orderly manner; and
- to attack the unmet needs in the next order of priority.

30. Changes should be made in locations of key BIA education-related organizational units, to assure (a) a focussed central direction for all educational programs; and (b) the most efficient distribution of technical assistance resources.

The administrative authority for all education-related programs should be brought together, headquartered in the Central Office in Washington.

Educational activities now administered elsewhere in the BIA, such as adult education, vocational training, career development, those portions of other programs that can best be served by the Education division, internships, and other related programs, should be brought together and administered under education line authorities. For portions not moved, specific communication and coordination procedures should be instituted. In the past, many activities which tribes and villages view as "educational" have often followed different policies, guidelines, and directives from different places within the Central office.

Educational technical assistance services should be offered at geographical locations convenient to groups of tribes, as determined by them.

31. Plans for all education-related activities should include statements or steps which recognize or reinforce Indian and Alaska Native cultural heritage as a basis for identity, and strength -- as tribes, as communities, and as individuals.

Indian and Alaska Native youth should know their history, their culture, their legendary heroes and today's role models, the relationship of the past to the present, and the current affairs of their tribes.

Bi-cultural and bi-lingual programs should be pursued as a way of maintaining options for youth in choosing careers and life-styles, from Indian world and from the dominant culture. Some means include:

- seeking technical assistance and financial support for expert needs analysis and array of options for interested tribes;
- technology transfer from tribes with successful programs under way;
- orientation of teachers, administrators and parents to possibilities and issues, resources and commitments needed;
- preparing to respond affirmatively to tribal and village choices, including necessary interface/advocacy with HEW-OE; seed money for planning, research and development.

Sessions, beginning informally as soon as possible, should be arranged to orient school teachers and administrators so their attitudes reflect high expectations for the youth in their charge, which are both realistic and fair, and which are understood by the students and their parents.

The Cultural Studies Center at Santa Fe should be provided increased funding and staff capability to better serve the range of Indian and Alaska native needs.

- in testing educational innovations
- in controlled/contained Indian culture "laboratory" situations for use in orienting non-Indian policy makers to the ramifications of Indian culture.

The Santa Fe School of Art should be evaluated and used as a model for establishing centers in other regions which would offer comparable Indian educational experience.

32. Steps should be taken to upgrade the caliber of education offered in BIA schools and other schools which serve Indian and Alaska Native youth.

Schooling for Indian people should be raised to a measurably high standard, and so recognized -- for the benefit of students seeking opportunities elsewhere, and to assure due recognition of professional and vocational qualifications of Indian candidates for positions anywhere.

An accreditation system should be developed for Indian and Alaska Native schools which meets at the least all minimum scholastic standards of non-Indian schools (necessary for post secondary school entrance), with no diminishing of cultural identity.

An Indian teacher training program should be developed comparable to the Careers Opportunity Program. Administration, teachers and support staff of Indian schools should receive in-service cultural orientation.

A determination should be required, with Indian and Alaska parent and tribal government participation, of the role of off-reservation boarding schools (halfway house, special education, others). Goals and objectives of the school should be articulated. Open enrollment should be the rule.

Standard eligibility criteria should be developed and used for the award of scholarships for higher education, continuing education, vocational education, etc. Incentives should be developed, including seeking of extra earmarked funds, to encourage graduate level or continuing education of well-qualified candidates in critically needed disciplines.

Provision shall be made and opportunities sought to offer teachers, administrators and boards knowledge of and access to innovative techniques:

- to overcome special problems such as limited previous educational background of both teachers and students; distance of pupils from teaching resources, etc.
- techniques include educational television; cable, closed circuit and portable cassette television; satellite systems; other communication and audio-visual aids; transportation systems; mobile talent pools for special sessions, seminars, training.

Systematic and concerted efforts should be made to transfer the results of experiments, innovations, or any problem solutions from the place of testing to places which could benefit from the experience, by means of continuous, thoughtful communications throughout the entire network of school and BIA administrators, service personnel, teachers, students, parents, boards and committees, and tribal governments.

An evaluation should be made of special Indian programs provided under contracts with specific colleges and universities, as opposed to allowing Indian youth to attend schools of their choice. Since the overhead charges for such programs constitute 40% of the funding and colleges then have to train their staffs in Indian relationships, direct funding of students would appear to be better and more flexible use of available dollars. It might also serve to broaden the options for disciplines available to advanced Indian and Alaska Native students.

Administrative procedures throughout the education systems should be simplified and expedited to arrive at decisions quickly, announce the results whether negative or positive, and move ahead to develop new plans and strategies for unmet needs.

As a general rule, the maximum dollar amounts should go to local levels, distributed on the basis of the needs assessments of the tribes themselves. Less discretionary money should be left at area and national levels.

33. Community and tribal needs assessments, adequately funded, should be started immediately with full local Indian and Alaska Native participation.

Funding should be sought and made available immediately so that local schools and boards can begin needs assessments.

Needs assessments should be done insofar as possible by Indian tribes and Alaska Native communities themselves. Any necessary data processing and analysis techniques can be supplied by contracted or in-house project teams or individuals from area office, multi-tribal regions, or Central office.

Time frames for original needs assessments should be very brief, no longer then six months, and provision should be made for periodic review and update of needs assessments depending on such factors as changing age ranges or numbers of school children served.

34. Comprehensive school funding packages should be developed and accompanied by a process for commitment to a relatively stable level of funding.

Other government funding sources in addition to those in BIA, should be reviewed in a systematic manner to assist tribes or villages in meeting local needs indicated by their assessments.

Accompanying this packaging of funds should be some form of commitment, for an agreed-upon period of years beyond the then-current budget planning cycle, so that tribes and communities can plan for the longer range with greater certainty than at present. Performance should be monitored and technical assistance available to assure satisfactory performance over the commitment period, so the system does not constitute an unwarranted risk of Federal funds. (A possible mechanism, subject to study and legal review, would be some form of revolving fund or account, allowing for some averaging out of funds projected against funds actually available without the necessity for case by case reprogramming.)

35. Discussions with tribal leaders and educators in the Indian community revealed a strong belief that Indian education should remain in the Bureau of Indian Affairs and not be placed in another Federal Department or Agency.

Consultation: Indian and Alaska Native Participation in Decision-Making — Extent and Limitations

President Carter has said that decisions affecting Indians would be made in "Tribal Council Chambers." In previous years, Presidents Johnson and Nixon emphasized the need for more constructive participation by Indian tribes and Alaska natives. In the early 1970's, funds and some measure of funding decision-making for social and economic assistance programs were restored to local government levels; that is, to tribal councils and village corporations.

36. The Assistant Secretary and the top management of the Bureau of Indian Affairs should:
   - clearly define the consultation process,
   - establish guidelines for identifying appropriate persons or groups to be consulted, and
   - develop guidelines for determining when consultation is appropriate.

As part of the policy aimed at getting grass-roots involvement in decision-making, Federal Government agencies requested consultation with representatives of those groups affected by social legislation. Indians and Alaska Natives were represented on national and regional levels by several different groups, representing diversified interests.

The National Tribal Chairmen's Association was established in 1971 by tribal leaders to allow elected tribal leaders a strengthened voice in advising and participating in Federal program and policies of high importance to Indians and Alaska Natives on the national level. The NTCA constitution precludes any involvement of the Association in internal matters of any tribe.

The National Congress of American Indians was originally formed during the 1950's. It is an organization made up of tribes, tribal representatives and individuals encompassing a larger cross-sectional representation of American Indians. NCAI is controlled by an Executive Council made up of member tribes. It has increasingly requested consultation on Federal Indian programs and policies.

Local and Special Interest Representation

In each area served by the BIA there are at present representative intertribal groups which have served as consultants on a range of subject matters — be they national Indian or Alaska Native priorities on issues which impact only their geographical area — of concern to the tribes they represent. These area intertribal groups vary widely in nature. Some examples are: All Indian Pueblo Council, Montana Intertribal Council, United Tribes of Western Oklahoma & Kansas, Affiliated Tribes of Northwestern Indians, Interlakes Tribal Council, United Sioux Tribes, United Tribes of North Dakota, United South Eastern Tribes, Intertribal Council of Arizona and Nevada, Small Tribes of Western Washington, Alaska Federation of Natives, etc.

Other groups have formed based upon common resources problems, such as minerals development -- Council of Energy Resource Tribes: the Native American Natural Resource Development Federation of the Northern Great Plains; water resources -- Federation of Colorado River Tribes.

Some other examples of organizations offering consultation are: The National Indian Education Associations, National American Indian Cattlemen's Association, National Indian Women's Groups to name only a few.

Attempts to Define Consultation

Several interpretations of self-determination hold that consultation gives tribes or groups the right to make the final decision. Others have interpreted consultation as a process of conferring with the affected tribes or groups before a final decision is reached, which decision may or may not fully reflect the desires of the tribe or tribal group or native village. The consultation process is clearly meaningless if it is nothing more than random information haphazardly collected from groups prior to a decision made by the Federal government agency involved. On the other hand, consultation cannot be broadly interpreted to mean that Federal appointments or decisions by the Federal trustees can be vetoed by a tribe or group.

Obligations of the Federal trust relationship, laws and Federal appointment and other regulations make the Federal Government or its agencies legally responsible for final determinations so they must specify in large part what those determinations must be. Some of those determinations may be contrary to the wants of tribes or tribal groups.

Under provisions of the Self-Determination Act, there is no barrier to a tribe or tribal group participating fully in the decision-making process, provided that a formal mechanism exists to ensure equitable participation by affected Indian tribes or Alaska Natives in that process. But not even every decision under the Self-Determination Act may be made by Indian or Native Alaska tribes or tribal groups acting in their own behalf. Many decisions, even under that law, must still be made and enforced by duly constituted Federal agencies.

Effecting Consultation

Based upon the above discussion, three questions should be asked about consultation:

(I) What is the consultation process?

(II) Who is the appropriate person or group to consult on a particular issue?

(III) When is consultation appropriate?

These questions, particularly the first, are not easy to answer, but the Task Force members believe they must be answered. In the absence of answers, calls for consultation with Indian and Native Alaska people can only breed cynicism and irresponsibility.

To assist BIA top management to formulate answers to these questions, the Task Force offers some guidelines for consideration.

Issue (I)

(A) The consultation process must involve at least the following steps:

- identification of the appropriate people, tribes or intertribal groups or corporations likely to be affected:
- issues clearly displayed, with factual information provided so that intelligent, knowledgeable consultation can take place;
- adequate lead time to provide for complete understanding of issues, reflection, reporting, recommending;
- reporting back of decisions made and reasons therefor to those involved in consultation; including documentation of participation;
- route of appeal, if necessary, by affected parties.

(B) Position paper summaries on major issues should be maintained and kept available for Government decision-makers.

(C) Statement should be prepared and promulgated that consultation does not convey veto power.

(D) The Task Force recommends consultation be defined as process of communication with tribes or tribal groups on policy and program proposals or issues which will affect the tribe or group by providing them with an opportunity for review and response.

(E) A variety of means should be employed for consultation -- including a full range of "public participation techniques," ranging from informal meetings and contacts for information dissemination and feedback to formal hearings, depending on the subject at issue, and some brief record should be kept of the means, the participants and the opinions heard.

B. Action Plan

The Task Force recommends the following plan for carrying the report recommendations forward into implementation.

Introduction

Based on the commitment to reorganization by the President, the Secretary of the Interior and the Assistant Secretary for Indian Affairs, the Task Force is convinced that highest Departmental priority will be assigned to implementing these or equivalent recommended changes. The proposed changes in this Report have been reviewed by significant numbers of Indians and Alaska Native individuals and groups. The Task Force believes that the preponderance of Indian and Alaska Native opinion has been reflected in its Report.

Five general steps are proposed.

1. Release of Report for review and comment by Indian and Alaska Native tribes, groups and individuals, to be accomplished within 60 days of publication in the Federal Register.

2. Review and approval in principle of the Report and comments by Indians and Alaska Natives, by the Secretary, the Under Secretary, and the Assistant Secretary for Indian Affairs. Decision reached by top management as to what portions of the Report will be accepted for implementation.

3. Establishment of a suitable implementation team reporting to the Secretary. The team should include Indian representation.

4. Develop detailed implementation work plan--tasks, responsibility assignments, target dates.

5. Evaluate implementation to determine progress toward reorganization. These evaluations should be conducted quarterly for the first two years, followed by an orderly transition to the Management Research and Evaluation unit (MR&E) for subsequent monitoring.

Issue (II)

(A) The Task Force recommends that on matters of national Indian priority the consultation process be between the BIA, the Department, (or other Federal agency) and the national Indian organizations, with the opportunity for input by constituent tribes and members into the positions taken by the national organizations.

(B) With respect to matters affecting certain areas, consultation should be between the regional or area officials and the area intertribal groups and their constituent tribes.

(C) With respect to matters of impact on specific subject matters such as natural resources, minerals, water, livestock, etc., consultation should be between the Federal agency involved at whatever level and its corresponding level of tribal organization and constituent tribes and members (whether the question is of national, regional or local concern).

(D) With respect to matters affecting a tribe, consultation should be with that tribal council and the corresponding level of the Federal agency involved be it national, regional or local.

Issue (III)

The consultation process is only appropriate when there is room for latitude within enabling legislation, executive order, or governing regulations such that consultation can result in significant modifications or changes in proposed actions.

The Assistant Secretary and top management of the Bureau (and the Department) should be constantly aware of need for clear, timely information on issues of significance to Tribes and Alaska Natives, with indication of formal and informal consultation or comment opportunities described, and responsible offices or officials identified for inquiry.

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APPENDIX A

STATEMENT FROM THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS TO THE TASK FORCE

STATEMENT OF FORREST GERARD
ASSISTANT SECRETARY--INDIAN AFFAIRS
to
SECRETARY'S BIA REORGANIZATION TASK FORCE
February 15, 1978

INTRODUCTION

In the very beginning, I want to thank the Reorganization Task Force for inviting me to your meeting today to share my views and concerns, and to discuss with you the important issues of management and structure of the Bureau of Indian Affairs.

I know how difficult and complex the responsibilities you have been given are, and I trust that my presentation this morning will assist you in reaching your objectives. I shall of course be available at other times to continue the discussions, if you wish. All of us in the Assistant Secretary's Office and the Bureau appreciate the task you are performing and your efforts to help us address the problems before us.

In making my presentation to you today, my views and recommendations are drawn from three main sources:

1. My 20 years of experience — combining executive and legislative work — in Indian Affairs;
2. Approximately four months as the first Assistant Secretary for Indian Affairs; and
3. My deeply held belief that before one talks charts and boxes, in any reorganization effort, the more fundamental and urgent needs of management reform and program priorities must be addressed.

In other words, let's be sure we know what we are organizing for, what programmatic and management concerns we are trying to meet, before we proceed to that last step of drawing up organization charts. This is what I mean by a reorganization which is not cosmetic, but fundamental.

FUNDAMENTAL CONCEPTS OF PROPOSED REORGANIZATION

There are four basic concepts, as I view it, that must underlie and be the goal of any reorganization of the Bureau. The reorganization must:

1. Strengthen the Bureau's two fundamental responsibilities, i.e.
    - The management of the trust resources of Indian tribes and individuals that Congress has placed in the hands of the Secretary of the Interior;
    - The delivery of services to Indian tribes and individuals.
2. Be responsive to:
    - The policy of self-determination as enunciated in P.L. 93-638.
3. Develop the Bureau into more of a strategic organization vs. the present logistical or tactical organization, that is:
    - Eliminate the "crisis" syndrome and type of management, which is time-consuming, disruptive, uneconomical, and purely short-range oriented; and
    - Establish a strategic, long-range orientation by emphasizing:

-Long-term planning

-Comprehensive tribal needs assessment

-Training and technical assistance capabilities

-Funding and manpower requirements forecasting

-Program objectives, and measure of program accomplishment against them.

4. Enhance meaningful Indian participation and involvement in all Bureau activities, including policy-making, program priority-setting, and management activities.

MANAGEMENT SYSTEMS IMPROVEMENT

During the past few years numerous reports, studies, and investigations have pointed out the symptoms prevalent throughout the Bureau of near-collapse of the organization's management systems. These include the American Indian Policy Review Commission's report, many GAO and Congressional committee reports and investigations, the Reassessment Report on the Bureau's Management Action Plan, Civil Service Commission evaluation reports — and, most poignantly and signficantly, the chorus of criticisms and complaints from the Indian community itself, as well as the general public and the media.

So far as [illegible], there are 8 now, a litany of symptoms of collapse of mgmt systems. I [illegible] both things are true! Decision-making informal; Money

From my own experiences and observations,...... [illegible] funds are allocated — Committed — close to violation of Anti-Deficiency Act!

These reports and statements are not purely critical in a destructive manner. In fact, with few exceptions, over and over again they contain constructive recommendations and suggested action steps to be taken, and have attempted to point to specific and urgently needed reforms and improvements in the general management of the Bureau.

The staff paper which has been prepared recently and which will be presented to you later today contains a Management Systems section which outlines and encapsulates all of these comprehensive management improvement actions required — in the areas of mission statement clarification, policy-making, program planning and evaluation, budgetary processes, manpower allocation, organizational analysis, personnel management, decision-making, management information, communications, and contract/property/supply management.

I urge you to consider carefully these management system improvements, which I strongly endorse as long-needed and required to overcome the fundamental malaise of the Bureau, rather than continuing to treat only the symptoms with band aids. These improvements are founded on the proven management principles of accountability, responsibility, and discipline — which are the principles on which the Bureau's management must be based if the Indian people are to be served effectively and efficiently.

TRUST RESPONSIBILITIES AND DELIVERY OF SERVICES

During my confirmation hearings last September, and many times since, I stated that I was thoroughly aware of the secondary role to which the Bureau's trust function has been relegated, and that one of the most significant achievements of my tenure as Assistant Secretary would be to make a radical change in this situation.

Admittedly for good reasons, the service functions of the Bureau -- such as education, welfare, housing, and health (IHS) — have for many years received predominant emphasis and funding — because they do address glaring and continuing needs of Indian people. But today's circumstances demand the elevation of the trust function and the development on a high-priority basis of a much-enhanced Bureau capability to protect and advance Indian rights, the Indian land base, and Indian natural resources. The reasons behind this cry for a reorientation of emphasis are obvious:

- The current challenge to Indian treaty and other legal rights, which is nationwide, extremely serious, and labelled "the backlash"; and
- The growing need for assisting Indian tribes in positive development and exploitation of their valuable natural resources — which demands that the Bureau be able to ensure that tribes have the services of the best talents and skills that exist in the country, be it legal, environmental, scientific, technical, or what have you.

In no way should our response to the need for giving higher priority to the trust function result in a de-emphasis of the service function. It is not an either/or situation. Both functions must be served well by the Bureau, but at present the trust function is still getting the short end of the stick. It must be elevated to a level commensurate with contemporary requirements.

OTHER CONSIDERATIONS

I urge the Task Force not to shirk or evade the challenge presented by some long-standing management problems simply because they may be controversial or seemingly unsolvable. These items include:

Indian preference. Unfortunately the changes which are required in the management of the Bureau's own human resources by the clarification of Indian preference represented by the Mancari and Freeman decisions, were not thought through carefully or implemented consistently. Some managers and supervisors still honestly believe that Indian preference means that no non-Indians may be hired. But many Indian tribal people themselves realize that if all positions as they become vacant — realty specialists, appraisers, engineers, administrative specialist, etc. — are either filled with Indian people at the trainee level, or not filled at all year after year because no qualified Indians apply — essential Bureau operations and the delivery of services will suffer severely.

There will be a continuing need for the Bureau to attract the services of non-Indian skills, particularly in the physical and natural science occupations, until many more young Indian people enter and come out of these occupational pipelines. We must, therefore:

- Develop an aggressive program to encourage and assist Indian people to become qualified candidates for these types of positions; and, in the meantime,

- Use a variety of innovative ways to make it attractive for non-Indians to work in the Bureau — be it on a temporary or when-actually-needed project basis, as experts in their specialty fields, as trainers on a contract basis, or whatever.

Top management leadership of the Bureau. For too long the Bureau has neglected the "care and feeding" of its most valuable resource: [illegible] own people — and this is particularly true at the top. We need to state clearly and explicity what knowledges, skills, abilities, and personal characteristics — such as empathy with Indian culture and values, and commitment to Bureau programs — are needed to qualify for the top leadership positions in the Bureau; and then establish a better system to give top management the scope and opportunity to perform and be evaluated. And, if unable to measure up, to be replaced by others. The principles of the impending executive service changes, which the Administration contemplates Governmentwide, are the ones to which I am referring. This, for the Bureau, requires:

- A complete reassessment of the position structure and grade level at the top, so that the complexities and difficulties of the work are recognized by an appropriate number of supergrade positions — which I believe is a much larger number than at present; and
- A comprehensive review of the need for Schedule C positions in the Bureau, to ensure that top management consists of that cadre of leaders committed to the policies, directions, and changes of the Administration, the Department and Bureau leadership.

I believe this calls for an expansion of the present number of Schedule C positions, to include all key Central Office managers as well as all Area Directors.

ORGANIZATIONAL STRUCTURE

There are a variety of different structures and configurations available to serve as vehicles for re-forming and modernizing the Bureau of Indian Affairs. The staff paper to be presented to you later today will be helpful to you, I believe, in considering these alternatives and in making you recommendations to the Secretary. All of these options, as I have already emphasized, presume that the basic management system improvements and reforms will constitute an integral part of the total reorganisation effort.

In my view, the single most important factor is to ensure that the position of Assistant Secretary for Indian Affairs becomes and remains that policy-maker and policy-influencer which was the rationale in setting it up in the first place. Hence, there must be another person who "minds the store" and directs the overall operations and activities of the Bureau. This should be the Commissioner of the BIA, and I am recommending that the Task Force recommend that this position be filled. Unless it is:

- The system and the understandable behavior of Indian tribes force the Assistat Secretary into daily operations, and thus minimizes his effectiveness at the policy-making level.

- The "dual" responsibilities, being too great for any single person to carry out will cause neither to be performed well;
- The tribes, Congress, and the managers and employees of the Bureau itself will become confused regarding roles and responsibilities; and
- The new Assistant Secretary position will soon lose its anticipated effectiveness -- even before its full potential is realized.

Given this separation of the overall policy-making function and the operational performance function, the structure of the Bureau needs to be reconfirmed. There must be a headquarters level, for policy/program/budget development, program evaluation, and general leadership. There must be a local level, for service delivery and program implementation. And there must be some type of intermediate field level, be it called Area or Region, Office or Service Center, which will during the years continue to evolve as Indian Affairs programs and circumstances change.

Regarding this intermediate level, I feel strongly that:

- There is no need whatsoever to complicate the situation further by proposing any changes in the present geographical locations. Such changes would simply raise many political and tribal conflicts, and would probably result in all the far more important changes needed going by the wayside:

- What *does* need to change are the functions, capabilities, and staff compositions of these 12 offices, so that a continuing capacity is developed for fulfilling the demanding responsibilities of training, technical assistance, advocacy, evaluation, and 638 contract monitoring. This evolvement of the present offices into their newer roles should be based on redelegating as much authority as practical to the local level; and may require the use of different staffing methods, more innovative ways of utilizing temporary and project sub-organizations, and a variety of means for sharing scarce resources across what should more and more become artificial organizational and functional lines; and
- The so-called "housekeeping" functions — such as property, supply, finance, accouting, personnel operations, etc. — can be performed more effectively and efficiently by a more complete and modernized application of automated data processing and other mechanized equipment. A comprehensive review of this whole area must be conducted, without worrying about sacred organizational cows or "who owns what," and an arrangement decided upon which as far as possible cuts down on the overhead dollars and the numbers of personnel devoted to these functions.

CONCLUSION

Finally, as far as structure is concerned, let us return to fundamentals and recall what type of an organization we are dealing with. The Bureau of Indian Affairs is a microcosm of the whole Federal government. Within it you find all the functions of local government, with an overlayer of Federal laws and regulations — plus the unique and complex environment and needs of the American Indian Tribes and Alaska Native Groups.

Far worse than not completing a reorganization at all would be the disruption of services to our clients and the further dislocation of the Bureau itself through the attempt to make radical and sudden changes in all of the present structures and systems.

There is no magic phrase or wand waiting in the wings which can solve all of the Bureau's management problems and result in the perfect structure lasting for the rest of time. What we now need — once having decided upon the basic management principles and the fundamental structural concepts around which the Bureau will be reformed and reorganized — are people to assist us who are experienced in dealing with organizational change, who can guide us away from the pitfalls of deteriorating morale and disruption of daily operations, and who can provide us with professional means and techniques to accomplish a very difficult thing in human affairs: To change attitudes and behavior and performance towards the attainment of agreed-upon objectives while the organization keeps functioning and programs and services keep being delivered.

This would be the worst time in Indian affairs for the Bureau to become even less effective -- because of a reorganization. In implementing these management system reforms and reorganized structures, we must therefore seek out and employ the best available methods, and establish realistic schedules so that there is no disruption of legal trust responsibilities and of the delivery of services to Indian Tribes and Alaska Native Groups.

APPENDIX B

SUMMARIES OF COMMENTS FROM PUBLIC HEARINGS HELD BY THE TASK FORCE DURING THE COURSE OF THE STUDY

APPENDICES

SUMMARIES OF PUBLIC HEARINGS CONDUCTED BY THE TASK FORCE

A - Phoenix, Arizona	January 30, 1978
B - Oklahoma City, Oklahoma	February 1, 1978
C - Denver, Colorado	February 1, 1978
D - Portland, Oregon	February 2, 1978
E - Duluth, Minnesota	February 8, 1978
F - Washington, D.C.	Various Public Meetings

APPENDIX B

SUMMARIES OF COMMENTS FROM PUBLIC HEARINGS HELD BY THE TASK FORCE DURING THE COURSE OF THE STUDY

Phoenix, Arizona - January 30, 1978

- In the organization of the Tribal government it's very poor; we don't have the area that a lot of our staff, my so-called staff, what little staff we have - we're limited in functioning to serve our people.
- We'd rather program our budget in the lower level down on the Reservations as in a block grant. The way we're doing it now, we're not getting there. We're not serving our people the way it is now.
- Then coming back up to the superintendent level, the superintendent level doesn't have all the expertise that's needed to help the reservation. We asked for a survey. We need some houses to be built. We asked for a survey to build these houses, but, technically, they don't have that.
- Now, as far as the area office level, we go from the tribe down to the superintendent, down to the area office. There's a lot of delay. We don't know when they're going to come around or when they're going out.
- In that way, I think we'll get more service and where a tribe is being hurt as far as trying to get these proposals written, we've got all kinds of proposal writers - they come from everywhere - and we need some expert proposal writer.
- We're not getting any service from the area office - very little, let's put it that way. That's just a record office there right now.
- Also, we don't want the area office or the superintendent level interfering with our elections, interfering with our self-determination the way we want things. The people can take care of that, not the Bureau of Indian Affairs. The people can handle that.

- Other than that, there are grants, your 93.638 contract grants - we need to beef that up because we're not getting it down at our level. The same staff in the Walapai or any other area, it would require just as much money as a smaller one because the staffs are there either serving 300, 400, 500 people, the staff are still there. We're only getting according to the population. It's trickled down population wise and the work is still needed.

- Down in the Tribal Governments we ask the superintedent for different things. Then in turn, if he doesn't have it, he asks the area director. That's about the only communication we have, through writing and sometimes we talk to him on the telephone, things like this. But, other than that, we don't communicate too much because in the tribal level we try to do it ourselves.

- Due to the fact that we're not getting the service that we want, that's why I say to beef up the supintendent in that area rather than the area office level. If funds can be brought from the area office into our area, it would serve us much better, but only in the field of technical assistance. That's all we want. As far as the other ones, I think we can handle the other parts.

- We establish tribal budget and the other ones are all budgets according to grants. There's another area that we don't like the superintendent to get involved in, or the area level. We don't want them to get involved in our budget. They have a trust responsibility but I think we can handle that through our own people.

- The only thing I can say is give us the funds. We'll work it from the tribal standpoint. We'll work those things out rather than trying to hold us back or say you can't do that, and you can't do this.

- My particular concern at this particular meeting is to present to the Task Force our concern about contract education in terms of the reorganization. As you may or may not know, contract education is an alternative that has been provided both by Congress and the Bureau of Indian Affairs for Indian people who wish to contract a school or an educational function with the Bureau of Indian Affairs so that that community or that tribe or that school then operates with BIA money, the facility. It then comes under total and complete Indian control.

- I think that the concern that we had is that this alternative which is in its infancy, and it appears that the trustee or the parent in this case, which is the Bureau of Indian Affairs, we're not at all sure that it wishes this child to live, because obviously it does compete with the Bureau of Indian affairs in terms of money and in terms of education.
- Another recommendation I would make on a broader level, in Indian education, and that is in the reorganization of the Bureau that education functions be consolidated with line responsibility so that, indeed, you can control education.
- We have had different people in the top capacity in the BIA and education in Washington, and some of these have been very outstanding individuals, but they've never been able to get the programs implemented into the field. In particular, this has been true through the area office.
- I feel that I'm older and perhaps dumber now but I'm not sure that organizational problems are your most crucial problems. I think people problems are your most crucial problems.
- I think one of the recommendations I make in here is I strongly feel that you can no longer - anyone, certainly the taxpayer and certainly Indian people can no longer afford the luxury of on the Navajo, three competing school systems: contract schools, public schools and BIA school.
- Now, the law that they're putting out in terms of determining construction priorities says if you have a vacant seat an hour's bus ride away, you can't get a new school. So the Bureau has all these vacant seats, so no one can build new schools. I think you've got to get some kind of a unity. You've got to get some kind of order out of the chaos. You've got to get a single system of education. The Indian people have to determine what that system is. It may be contract or tribal schools, it may be public school, the BIA school.
- There is a lack of effective management in establishing and administering uniform problems in BIA from the top level down. Administrative decisions necessary for efficient field operations are delayed beyond reason. High office positions are filled with temporary details or may be left vacant making it very difficult to move routine actions down through the proper lines of authority.

- Numerous positions are filled without specific job descriptions. There are quite a few people that are employed that don't know what their job descriptions are. They don't know what they're supposed to be doing at BIA. It happens in other branches and bureaus, too, but BIA is a good example.

- The trust responsibilities of BIA are grossly neglected on the part of top management which filters down to area and agency levels to the detriment of Indian economy and protection of their natural resources.

- I was a range conservationist in my profession, so I'm very familiar with the natural resources and problems. It's like subsidizing the tobacco growers and spending millions of dollars to discourage people from smoking. You do one thing, and say one thing, and here you turn around and do the opposite.

- Millions of dollars are spent through normal and special appropriations to rehabilitate and develop the Indian resources but very little follow through is effected to guarantee subsequent proper use and protection of the services and the facilities provided. It's just a shame. This has been going on for years; this isn't just recently.

- Millions of dollars are spent through normal and special appropriations to rehabilitate and develop the Indian resources but very little follow through is effected to guarantee subsequent proper use and protection of the services and the facilities provided.

- The lack of proper federal supervision over contracts let to tribes and organized groups encourage waste, fraud and poor tribal management experiences.

- The elimination of the area office line of authority is a serious consideration which, in most of our opinion, should be forgotten. I know that the off-reservation boarding schools dislike the line of authority from the area office. They would like to have the line of authority from that boarding school direct to Washington. But then, at the reservation level you have a different aspect. I think the area offices do have a part in the education so far as running the school situation on the reservation. I don't think Washington will even want to accept that responsibility direct from Washington clear down to the school over at Chinle - not Chinle - excuse me, that's a separate situation, but I mean on Fort Apache, for instance.

- The direct line of authority situation between agency and central office would be defintely overwhelming and cumbersome. I know for a fact that this was practiced on the Navajo Reservation in the late 30's up until the mid 40's, but it failed. So, it went back to the area office jurisdiction.

- Agency superintendents have been hired without adequate knowledge and training and without seasoned experience to assume their difficult responsibilities. There are many superintendents right here and some of them are fairly new. I think they would agree with me that they haven't been seeing through the problems before they came into their responsible jobs.

- Rumor has it, which hopefully is not founded, that all or some of the area office will be divested of the line authority and reduced to quasi technical offices. I hate to see that happen, but I think there should be some change in the area office activity.

- In Oklahoma, forinstance, we have two area offices and this was set up politically years ago and I didn't ever think there was a need for two area offices in the State of Oklahoma but politics dictated it and that's what we have.

- RIF procedures are a bad thing. They are not established uniformly throughout the service. Areas of consideration in a RIF situation have been so flagrantly initiated that we can only assume management's intent to preclude a RIFed person from any bumping rights. A good example of that is the Albuquerque area. They have set up one school, just one, one site as the area of consideration. If any person is RIFed in that school, he's out. He has no chance of getting another job or bumping anywhere in the town of Albuquerque. That isn't fair.

- BIA claims, but realistically has no effective outplacement program. If you're looking for a job in BIA elsewhere, you better find it yourself because nobody is going to help you. We can prove this time and time again.

- BIA Washington level says we have a replacement program, an out-placement program. They don't. It's on paper but they don't put it into effect.

- The BIA lacks the positive and constructive Labor-Management relations program bureauwide. We have lots of problems with the union, the teachers, the employees who are organized. At many installations, the only time that Management and the Union converse is at the bargaining table or when they have a grievance or unfair labor practice action.

- Management should provide the many inexperienced personnel in the field some specific labor-management training. We have some people who do have, in management, who do have labor-management relations training; but there are a lot of them who are acting in that capacity that don't have it. This is where we're having trouble.

- The morale of the BIA employees is at its lowest level, partly due to direction in establishment and control of policies. People feel very little consideration is given to the rights and viewpoints, I think, from the bottom up. I think we have the same situation in Washington at the area office, at the agency office. There are many controversial proposals in it which would be of no advantage - Excuse me, I skipped a point.

- Serious consideration should be given, in our estimation and this is some of the education people at the agency level, school level, not to support the proposed H.R. 9810. I know there are pros and cons. Some people want it and some people don't want it. Some people are on the fence, but in looking over it hurriedly, it gives very little limited protection to the educational personnel in the way of retention rights, grades, civil service status, salary rates, and even rights to appeal.

- I feel that we need a reorganization of the BIA. I feel that the superintendent needs to have more authority and more personnel, technicians - in other words, technical assistance.

- I know that sometimes that we have gone to the superintendent, the tribe, and has asked for assistance and we have to wait and wait until the area office does something. We're hampered in the development of our natural resources, I believe, in this manner and I feel that the superintendents need to have more direct authority and responsibility and funds should come direct down to the local area where it can be used.

- I believe our superintendent has been very helpful, cooperative in our desires, the tribes needs. I feel that sometime he's limited and therefore he has to go to the area office for assistance. We do not have any problem in that, but it's just the delay that we have to wait and wait. I just feel that if the technical assistance was at the local level, we can move ahead more rapidly.

- But, I feel that we need more assistance in developing because in 1865 the reservation was set up and we're still - it's been 100 some odd years now and it hasn't been fully developed yet. We still have about 8,000 or 10,000 acres undeveloped. I think we're one of those irrigation systems that was set up by our Government 100 years ago.

- I think because of the shortage of employees in the BIA, we've gone to other government departments like USDA and we are getting assistance through SCS and the engineers are willing to come and work on our reservation.

- I think one of the big problems in the Bureau is they lack these types of people. If we get into arguments with the other agencies in the Bureau, with Reclamation, that we don't have the technical people to win that argument in our central office and area office.

- Our complaint is we all got the area. We look at a big budget and a host of people at that level, and trying to get part of it for the tribes. It's handed out unequally. I've got to admit that. Certain tribes are favored over other tribes and it makes a problem for us.

- I'd like to present this very short and tell you I'm very concerned about this meeting here today. I know there's going to be more meetings in the future but I'd like to make one thing to the committee to have them think about, to have more authority to the agency so the superintendent will have much more control over our Indian tribes which at the present he has over five tribes.

- Briefly, with respect to other issues of reorganization, the involvement of the tribes in the budget process of the Bureau of Indian Affairs has been a little more than that of being informed or programs planning and evaluation.

- On federal trust responsibility, we fully support the idea that there must be a constant vigilance to prevent the erosion of this commitment to the United States Government either by legislation or court decision.

- We agree that one of the most important trusts is the support of tribal governments developed by the Bureau with both resources and technical assistance. Indeed, the strenghtening of tribal government will more than any other service of the Bureau of Indian Affairs, insure the future security of the Indian tribes as a whole.

- The fact of the matter is the tribes are at different levels of sophistication as far as carrying out their tribal government activities are concerned. So, there is no one panacea for everything.

- I think the most frustrating thing right now is the number of BIA administrative and jurisdictional offices that we have to deal with and not be able to get an answer. Sooner or later everything is kicked up to the central office level. So, the question then is what is the purpose of having these jurisdictional offices to go through if they're not going to make any decisions anyway.

- This whole effort of trying to survive as a small group and having had such a long void of time of having any kind of affiliation with government and had no real understanding of jurisdiction and all these kinds of things: superintendents maybe coming around to see you maybe once every year. We weren't ever that close to the Bureau.

- In this respect, the way to go and whether you have an area office control or reservation control, it's kind of difficult especially for a small tribe to decide. Right now I would say leave it at the area because it's closer to the kind of sophistication that we need. Airports are here, it's faster moving. technology is available. Out in the remote areas, just getting personnel out there - the ones you pick up the first round want to go, like to Phoenix, the metropolis area; whereas, out in the boondocks, who comes.

- Without the control of funds to operate on my behalf, we're going to mess up the works again. I think this should be clearly thought out, and like I said, particularly in small tribes, let it be our choice whether we want to stay with the superintendents or have an area and quality service.

- Not to say that all the area service is quality, but based on the reasons for things that are available, this is the way we see right now.

- Our number one priority established is education. We feel that this is a must in order to succeed and here we are, we're going to invest in leasing. This sort of enterprise, to succeed, we need to develop our own people's learning. But we don't have to to the point where we say you go be an administrator. Thev have their choices of where they want to go and right now they're not choosing the field.

- The first proposed option contingent upon the effectuation of region or area Indian Affairs Civil Review Boards is to abolish the Bureau of Indian Affairs area offices and contract the field agencies contingent upon assessment of functions, redesign of functions and implementation of the redesign through tribal control. Such a contracting action will most probably require most increased authority, staff and funding at the agency level as well as research funding at the tribal level for the redesign and contracting action.

- The second proposed option also includes the assessment, redesign of functions and contracting of the Bureau field agency coupled with the abolishment of the area offices. The only variance from the first reorganization option is that technical, legal and resource centers would be established in compatible geographic regions which are substantially concentrated with Indian tribes of common natural resources and land identities.

- These technical trust responsibility centers would address themselves to legal, land and resource issues which consistently thwart Indian tribes from exercising total jurisdiction and control over their respective lands and resources. Such centers would be entrusted with the responsibilities of defining, advocating and lobbying for regulatory and/or legislative actions which insure tribal jurisdiction and control of land and resources and assist tribes in the implementation and redesign of jurisdictional authorities which supersede the regulations of other federal agencies which are virtually ignorant to the realities of tribal jurisdictions. In other words, such technical centers in conjunction with the surrounding Indian tribes could potentially establish fundamental and appropriate regulatory policies for dealing with Indian sovereigns.

- It is imperative that, one, the personnel housed within these proposed technical trust responsiblity centers be highly competent professionals such as lawyers, geologists, hydrologists, land use specialists, and number two, that these technical centers be literal think tanks removed from any political rigors of the bureaucracy.

- The first is budget processes are carried on, the base line data used in the Bureau does not respond to the tribal needs as expressed by tribal government. The base line data most times is based on obsolete cost information which is not applicable because of rapid inflation. The data is geared to minimum service rendition and no real tribal need. Thirdly, budget negotiators for the Bureau use Bureau budget line items as items for political bartering on the Hill and this has to cease.

- Secondly, for the lay person on the tribal council level, the budget is impossible to decipher. Once established, it is hidden from the tribes or is doled out piece-meal so as to circumvent tribal knowledge of the many resources available to conduct a service or function. This leads me to say the Bureau requires, no demands, that we submit report after report, yet who demands an accounting of the BIA. Their computer system in Albuquerque is the laughing stock of Indian country. Bureau employees when asked for accounting information always respond, "we don't know."

- The Bureau budget itself is nonfunctional as a management tool. In any common mom and pop business venture the principals always know what capital resources are available. Here, we have a billion two hundred and forty-seven million dollar budget and nobody knows the total services available or what happens to the money as it comes down and no one is cognizant of the Bureau resources or the application thereof. Should the Bureau be desirous of continuing to do business with the Northern Cheyenne tribe, we demand, for a change, that the Bureau become responsible and accountable for the total resources available in the name of the Northern Cheyenne tribe.

- Fourth is accountability itself. When the tribe contracts a program as under the 638 by Indian and several other titles, this is a tacit admission of the failure of trust responsibility. This demonstrates to me and the administration of the failure created by public law 93-638 because they were failing in their trust responsibilities. The Northern Cheyenne tribe contracts many and varied functions and feels that this demonstrates its lack of responsibility and accountability by the Bureau of Indian Affairs.

- We recommend that the Bureau employees be removed from Civil Service Commission status and that those same employees be all issued yearly performance contracts with the review board proposed by Mr. Hiwalker monitoring the same performance contracts. Had the Bureau employees and trust officers done their jobs properly, many of the problems facing the Northern Cheyenne tribe would never have happened.

- We feel it is absolutely essential that the ITAC in Denver, Colorado, remain a permanent organizational structure of the Bureau of Indian Affairs. In order to do the task assigned to them, the Indian Technical Assistance Center must have the authority to institute necessary administrative changes with central office approval and support. There must be a well-qualified administrator chosen to head the office. We would strongly urge the central office to again offer Mr. Bob Livingston, who is one of the original designers of the Indian Action Progrm and an excellent administrator, the position of Chief of Indian Technical Assistance Center.

- In order to make the office a viable, functioning office of the Bureau of Indian Affairs, it will also be essential that this office receive full support from the central office. With the central office support, it can provide the on-site support and technical assistance necessary to strengthen tribal Indian Action Programs. It would be impractical to design another delivery system for Indian Action Programs when all we need to do is to refine and strengthen the present system. The added cost of changing systems could be better spent by increasing the grants to various Indian Action Programs.

- We are scared that you are going to put in an incompetent administrator out there (ITAC) with no authority and watch that program die, and then you will pull it back to the central office and shove it out to the agencies or areas and then what we just got done testifying about here, no way that we are going to get the program we got now.

- Right now I would leave ITAC alone where you are going through this process of reorganization or thinking reorganization. While you are pulling strings and make the puppets, leave ITAC alone and let it continue to function until you set up a better system, but I would say leave it right through, keep it out of the central office.

- You are confusing two things. Okay, the first thing is to do away with the area offices in and contracting the agencies of tribal consumer and redesign the projects. The second thing is review the regional technical assistance centers that would confine itself to trust responsibility areas, land resource development and jurisdictional entitlement. There is the two issues. That is what we proposed.

- So, therefore, I want to suggest that that BIA assume a strong leadership in improving policies and practices so that Indian people who enter BIA service on preference move immediately into steps and programs to qualify them for competitive status and eligibility for lateral transfers or promotions in federal agencies other than BIA or IHS.

- I am well aware that BIA is not a civil service and I know that BIA cannot by itself change the laws or order other agencies to do so, but I do recommend and urge that BIA take firm and positive leadership in making Indian research work to the advantage of the Indian people, not to their disadvantage. If BIA assumes that aggressive leadership, it can help to get Civil Service to help Indian people qualify for and get on registers as to employment throughout the federal establishment.

- My expression is that the policies of BIA so far as has been to provide a kind of welfare service to the Indians which are demoralizing to the Indian people. The Indian people are all the time under the impression that they have to go and beg for money for their legitimate needs, even from the Federal Government or through the BIA.

- I personally feel that certain programs should be there, should be a technical capability developed in BIA where they could provide Indian leadership with technical advice to create projects which are self-sustaining, you know, like the development of the natural resources, so that they are not looking towards the federal money for doing anything. Rather, they should have projects which are generating revenues and they are self-perpetuating type of situation.

- Secondly, my exploration of the short period of time that I have been with the Indians is that BIA does not have any accountability towards the Indian leadership. The impression that I have got is often that BIA people think that they are the masters and, you know, they can do whatever they want to do and they kind of ignore the feelings of the Indian people.

- The thing that I would like to recommend here is that there should be a strong technical celf created in BIA at all times and from all levels. I mean from the highest level and supporting from this should be a nucleus, and there should be field offices there and I am not sure, maybe there should be arrangements made within the Bureau of Reclamation so that they could have the benefit of the technical expertise which the Bureau of Reclamation has accumulated or the U.S. Corps of Engineers.

- This, it seems to me, makes Denver a considerable center of Indian activities. It is a kind of geographical central point where Indians from the north and south and east and west go through. Denver now has a fairly large Indian Center and there are even other Indian organizations, boards and commissions.

Portland, Oregon, February 2, 1978

- We seriously doubt that such services could be supplied as effectively from the Central Office in Washington, D.C. and strongly favor retaining the area offices as providers of technical assistance to Indian tribes.

- While there are many able and dedicated employees in the Bureau, it has suffered from lack of continuity in direction, long-range planning, and clearly expressed policies. In our view, the major problems of the Bureau are based on these factors, rather than the organizational structure.

- Employee recruitment and morale is a continuing problem, partially due to the Indian preference in employment. In many instances, this results in direct failure to adequately carry out the trust responsibility, such as the lack of necessary forest management due to inability to fill forester positions. A means of reconciling this need with the mandate of Indian preference must be found.

- It is imperative that an aggressive program of recruiting and training Indians to fill technical positions be undertaken. In the meantime, due to the lack of an adequate number of trained Indians, the present application of the policy must be modified to insure that delivery of services will continue, until Indian preference can be fully implemented.

- I believe that most programs do suffer from a lack of the Indians for these technical positions. We feel that there is a time and place when these can be filled, but we don't - we also feel that it is right now because we don't have the Indians trained for these various positions that need to be filled, to improve the services to the Indian tribes.

- I would like to touch briefly on the band analysis. I've been involved in band analysis process for three years representing the community of Ketchikan and once in the community of Sitka. Some of the things that pertain to the band analysis - such in policy, we find after all of our efforts of hashing all through the problems of the band analysis, only to find that the Area Director still has the final say and changes it the way he wants it anyway. We don't feel that those kinds of powers should be delegated to the Area Director in its entirely without no rebuttal or anything else.

- One area of - I don't know if it's policy, legislation, or whatever it might, but we feel there needs to be more stability in program support dollars. One year, we have program support; the next year, nothing. You really can't operate a program on those kinds of premises and expect to be effective, and most other agencies don't do it quite that dramatically. And if we have a negotiated kind of thing, I think it should be stabilized out from year to year.

- There are three primary points that I would like to raise for your consideration. These are:

  (1) Whether delegated authorities presently lie where they should for the efficient fulfillment of the Bureau's role

  (2) Whether the Agency on the reservation can presently, or under a revised system, meet the needs of the tribe or tribes it is serving

  (3) Whether the present role of the Area office should be altered and redefined.

- It is our view that the Agency serves the most vital role in our daily operations and problems. Being on a reservation where tribal activities are concentrated, places the Agency in the forefront of the Bureau system. They are the front line, if you will, of the Bureau. The Agency is where I, as Tribal Chairman, go with a contracting problem; it is where our governing body, the Board of Trustees, goes to look for assistance in timber management; and it is where an elderly tribal members goes for assistance on a lease for their allotment. The list goes on. If any system is devised that does not facilitate the handling of these problems by the Agency, then the goal of devising a more efficient structure has not been achieved.

- It is our view that the Area Office can be retained while eliminating the roadblocks to effectiveness. This can be done by making the Area Director the sole authority between agencies and the Assistant Secretary, and making each of the existing branches under the Area Office responsible for providing technical assistance to the agencies without any line authority.

- The retention of the Area Director as the sole authority between the agencies and the Central Office continues to provide the two-way system of communication that is built into the present system without overloading the Central Office with a myriad of problems.

- Finally, the system of legal assistance to the Bureau of Indian Affairs should be restructured. Indian people have for years complained of the inherent conflict of interest that exists by having the Bureau's legal advisors in an agency that includes legal advisors for others, and often competing branches of of the Department of the Interior.

- Surely, any reorganization must include the establishment of a legal arm within the Bureau itself with attorneys placed where they are needed most, at the agencies. To deal with the types of complex problems agencies face without legal counsel readily available, may be one of the most serious deficiencies of the present system.

- The Bureau Of Indian Affairs should occupy a separate and distinct cabinet post apart from the Department of Interior, which would be called the Department of Indian Affairs. Well, that was one of our proposals, you know, here sometime ago and we haven't changed it. The Bureau of Indian Affairs should be a service organization delivering to Indian tribes, appropriate and requested services and support to congressional interior committees concerning legislation proposed by Indian tribes.

- There should be a Secretary of Indian Affairs with Assistant Secretaries for trust responsibility, natural resources and administration.

- In addition, we would like to see a more decisive administrative structure for the Bureau of Indian Affairs. The area office structure adds little to the overall credibility of BIA. We feel that more authority should be vested in the local agency offices so our tribes as well as others doesn't have to wait for decisions to come after funnelling through three bureaucratic structures.

- I think that we have to point out that the Civil Service is a stumbling block to any reorganization; that you can say anything that you want on paper, but as long as the individuals who are detrimental to Indians and the progress of Indians are still in the Service, and we can't get rid of them except move them around to other agencies, we haven't accomplished anything.

- I think that, if I'm not mistaken, our people who did the investigations and the research with the Policy Review Commission found an old authority that the Bureau of Indian Affairs should have been under a special Civil Service sort of a commission similar to the State Department, but that was never done and they were just absorbed into the regular Civil Service. Now, people keep closing their eyes to that fact, but that is in - that is with the Commission report, and I suggest that your Task Force look at it very closely.

- Trust responsibility, you asked a question, where should that be, and I think that it's critical that trust responsibility be given a higher priority in the Bureau of Indian Affairs; that it be developed to the highest possible level, because without trust responsibility, without those resources to help us fight for the preservation of our rights to exist and to develop our human and natural resources, then education, economic development and everything is wasted.

- We should also have our own legal counsel in the Bureau of Indian Affairs or the Department of Indian Affairs, or whatever it might be, so they won't have to rely on Interior Solicitors and the Department of Justice telling them what to do; even to go as far as Office of Management and Budget telling the Bureau of Indian Affairs' leadership what to do. Conflict of interest is there throughout the whole organization as it presently stands and the Bureau, whether it - no matter what title it is, needs to have its own legal counsel, that's independent to make legal determinations and give legal advice to the Assistant Secretary for Indian Affairs or the Commissioner, or whatever his title is going to be.

- We are opposed to any reorganization that would eliminate or further reduce the role of the area offices.

- We believe that there should be stronger line authority from the Office of the Assistant Secretary and his branch chiefs, through the Area Office to the Superintendents with maximum delegations of authority down to each level.

- The BIA, in strengthening its line of authority from the Central Office to the field, should do a better job of placing specific responsibilities on appropriate officials and staff people at each level.

- The Central Office should be strengthened both in personnel and in geographic location. It is hoped that the BIA can again be centralized into its own building where it will be convenient for tribal delegations to locate and meet with the Assistant Secretary, his staff and various department heads.

- The Assistant Secretary of Indian Affairs be allowed to appoint a Commissioner and elevate that Secretary position up to a level, with a staff, where he can deal with policy things if we're going to stay in Interior.

- Another area that definitely needs to be looked at, and I mentioned in my statement, is the personnel and morale problems within the Bureau. It will create more trouble no matter what organizational structure changes are made because of the Civil Service Commission itself. There's no advocacy attitude when it comes to Indian people, and that's from the area levels all the way up through the national level, into the Central Office personnel department.

- The federal dollar must be delivered as close to the problem as possible with the greatest possible impact. Administrative costs, multi-skimming of program dollars at layer upon layer of the bureaucracy, must be reduced.

- On structure: I think the problem with BIA reorganization structure is more a question of fragmentation of authority than one of area offices having too much power. Some tribal chairmen feel the areas actually have too little authority to meet tribal needs; that too much has to be referred back to the Central Office for approval.

- One of the main sources of frustration with the current organization structure of the Bureau is with the inordinate number of people involved in every type of transaction at all levels of the Bureau with its associated interdependence, and of course, ambiguity.

- In summary, there is considerable support among tribal chairmen for a major restructuring of the Area Office, but that support is by no means unanimous. But, I do recommend that the Agency Office either be excluded entirely from the contracting phase of operation, or that all review and approving authority rest at the Agency level to the exclusion of the Area Office to greatly simplify and strengthen this review process.

- In the area of personnel management, serious consideration must be given to the creation of an Indian career service. We are not, however, offering an endorsement of the concept at this time. We would not like to see, for instance, the development of a personnel system which would seriously impair tribal access to the most competent personnel and professional assistance available. Nevertheless, a well conceived, well run service could greatly expand the collective skills of Indian people and advance the cause of Indian individual and tribal economic development as well as the quality of services.

Duluth, Minnesota, February 8, 1978

- Today the BIA does not require any courses in Indian studies for its teachers, and this policy is evident in that the drop out rate in South Dakota is higher in the non-public school system than it is in public, and I've attached the copies of those to the testimony and you can review them.

- There is another area that we would like to request that the Bureau seriously consider requiring your schools and cooperative schools to provide in service training for the teachers. Now this could be an orientation for when they first start working for the Bureau and something that would continue throughout the year to give them an understanding or providing them a mechanism to understand the Indian children that they'll be working with. And, we would also like to see the Bureau adopt a policy of, I guess it would be affirmative action policy in having on file within the schools verification that they've applied or made an attempt to hire Indian teachers.

- And now, basically by --there's no school that can teach you the Bureau's responsibility and the Bureau property management, this you have to learn on the job. Now we get an individual up to a certain level and there is no place to go. I, in particular -- okay, I can -- there is more money some place else, that's it. So I would like to see -- and another area would be these positions be written in such a manner that the people at the reservation level will come up. We're getting job descriptions that will come down from the area office and you must have a Bachelors -- you must have a Masters degree.

- In the past most federal programs were geared toward the assimilation of Indians into non-Indian culture and in the opinion of many, were doomed for failure because the programs collided with traditional Indian strength of family unity.

- Okay. In regard to the reorganization of the Bureau of Indian Affairs and our concerns are that the concept of 638, Indian Self Determination must apply across all Bureau of Indian Affairs activities and down through all levels of BIA bureaucracy.

- That the management direction from the assistant secretary's office down to the lowest level of the BIA bureaucracy be assertive and have all necessary authority.

- Role definition. That the roles of the assistant secretary, area director, agency and sub-agency superintendent, 638 coordinators, contracting officers and COR's be defined. Also needed is a definition of the commissioner of Indian Affairs' role under 638.

- That the Bureau, BIA be the advocate of all tribal priorities and programs. That the BIA assist the tribes in capacity building and at the same time, build its own in-house capacity to assist tribes.

- That the tribes participate with the BIA in the federal budget process.

- That the BIA personnel be aware of other federal programs which may be beneficial to tribes.

Oklahoma City, Oklahoma, February 1, 1978

- One of the areas that I feel the Bureau of Indian Affairs definitely lacks in because I deal with it constantly is physical accountability, assistance to Tribes. I know of no person in the Bureau of Indian Affairs, and I have worked with several agencies in the area offices, that can -- that I feel has adequate knowledge in accounting and accounting related activities.

- That a single Federal staff resource or resource unit be established per Tribe, whose charge will be to coordinate and expedite activities of all Agencies. In effect, an intergovernmental office be established to pursue Tribal interests. This office or officer should also be charged with writing applications or proposal where necessary. If you ever wanted to see administrative rules and the application of requirements changed quickly, just make the Feds go through the same hoops we have to jump through so may times each year.

- That the Federal Government consolidate its training and technical assistance responsibilities to Tribes in one office or individual. Tribes desparately need capacity building, but we shouldn't have to go door to door to get separate pieces of what is a central and manageable set of tools.

- Establish a national Tribal policy advisory group at a sufficiently high level and on a continuing basis to receive Tribal input and help direct national policy toward Tribal needs. Again, this need not be a handmaiden of the Department of the Interior but may be, more properly, at the Federal Domestic Council level.

- Develop and maintain a system for the continual monitoring and evaluation of federal response to Tribal needs as well as Tribal activities and initiatives in self-determination. Again, make such reporting responsible to a higher umbrella body, such as the Office of Management and Budget, so that intergovernmental activities and problems are reviewed and related to Tribal needs.

- Restore authority to the Central office for making policy decisions and give agency Superintendents the power to carry out their responsibilities. This would effectively reduce Area or Regional offices to the status of information and coordinative bodies.

- The BIA doesn't seem to know how to advise Tribes of how other Tribes are approaching problems or what possible strategies or approaches a Tribe can take in a given situation. Self-determination is an issue of national tribal rights and policy, but the Bureau seems to know very little of what is going on.

- I think you are familiar with a lot of the absences of people that wouldn't take the office or did for a short period of time. During this period, it was the Area office that provided the direction, and gave us the support and we operated without the involvement of the Central Office. We have found that our reliance is more secure when we have local area people who know what our problems are and who help us with them.

- And I think that if Indian people are going to progress at any reasonable rate, then we have to start putting a greater emphasis on education. Or we are going to be in the same position that we are in today.

- I think that the Bureau of Indian Affairs is something that is very beneficial to the Indian population. I think what we need to do in terms of castigating the Bureau of Indian Affairs is to take a good look at it to see if it is really working to meet our needs. And kind of evaluate in a sense the type of management people and the services that are coming down the pipe from the Bureau of Indian Affairs and support this agency.

- Take the Area Director position. I would like to see the Area Director position removed from the classified category and made a political appointment job. And the reason I say this is that I think that person is a very -- individual. That person can either make or break your BIA realignment program that you are talking about. And if you make him an appointive position, you can put the pressure and the necessary heat on him to make him respond to the tribal leaders or a consource from the tribal leaders to do what has to be done.

- What I have heard was that the BIA was to be taken out of the Interior Department and given a separate branch of the Government. Now the reason -- now if that is reorganization if I ever heard of it and I wanted to say that I am against this for the simple reason that I am afraid that we will be lost in the shuffle and that we will not have as an efficient organization as we do have as it stand now.

APPENDIX C

SELECTED BIBLIOGRAPHY OF STUDY RELATED MATERIALS

- Reassessment Report of the BIA Management Action Plan. September 1977.
- Interior Departmental Manual, Part 130, Bureau of Indian Affairs:
  - -1 Operation, Objectives and Functions
  - -2 Organization Structure
  - -3 Indian Services
  - -4 Tribal Resources Development
  - -5 Trust Responsibilities
  - -6 Indian Education Programs
  - -7 Administration
  - -8 Field Organization
  - -9 Location of Field Offices
- Reassessment of BIA's Action Plan for Personnel Management Improvement, "A Plan to Turn BIA into an Effectively Managed Instrument for Serving Indian Affairs". Paul Lorentzen, Project Manager. September 1977.
- Administrative Management and Organization Behavior Recommendations for Indian Self-determination. Peter A. Campanelli. May 1977.
- Implementation of Title I of the Indian Self-determination and Education Assistance Act (P.L. 93-638). BIA Task Force Report. March 1978.
- Bureau of Indian Affairs Management Study. (For American Indian Policy Review Commission Report.) September 1976.
- American Indian Policy Review Commission, Final Report. Two Volumes. May 1977.
- Questionable Need for all Schools Planned to be Constructed by the Bureau of Indian Affairs. GAO Report. February 1978.
- The Indian Self-determination Act - Many Obstacles Remain. GAO Report. March 1978.
- Tribal Participation in the Bureau of Indian Affairs Budget System Could Be Improved. GAO Report. February 1978.

- Greater Federal Efforts Needed to Improve Standards of Living of Indians Through Business Development. GAO Report. February 1978.
- The Bureau of Indian Affairs Needs to Determine How Well Its Indian Training Program is Working and Assist Tribes in Their Training Efforts. GAO Report. February 1978.
- Controls Are Needed Over Indian Self-determination Contracts, Grants and Training and Technical Assistance Activities to Insure Required Services Are Provided to Indians. GAO Report. February 1978.
- Information on Organization and Funding of the Indian Education Resources Center. GAO Report. February 1978.
- More Effective Controls Over Bureau of Indian Affairs Administrative Costs Are Needed. GAO Report. February 1978.
- The Bureau of Indian Affairs Should Do More to Help Educate Indian Students. GAO Report. GAO Report. November 1977.
- The Bureau of Indian Affairs is Not Operating Boarding Schools Efficiently. GAO Report. February 1978.
- Information on Organization and Function of the Indian Education Center Needed. GAO Report. February 1978.

- The Task Force gratefully acknowledges the numerous letters, memorandums, articles, papers, and other expressions of helpful interest which were received; addressed to the Task Force, to individual members, to staff, and to Department and Bureau Officials, about all aspects of the Task Force work. These will be catalogued, and made available for use of implementation teams, as will the comments received on the Task Force Report.

APPENDIX D

BIA AREA OFFICES

	Area Office	Address And Telephone Number	Area Of Coverage
1.	Aberdeen, South Dakota	Federal Building 115 4th Avenue, S.E. Aberdeen, South Dakota 57401 (605) 225-0250	- North Dakota - South Dakota - Nebraska
2.	Albuquerque, New Mexico	P.O. Box 8327 5301 Central Avenue Albuquerque, New Mexico 87108 (505) 766-3470	- Colorado - New Mexico - Part of Utah
3.	Anadarko, Oklahoma	Federal Building P.O. Box 368 Anadarko, Oklahoma 73005 (918) 247-6673	- Kansas - Western Oklahoma
4.	Billings, Montana	316 North 26th Street Billings, Montana 59101 (406) 657-6315	- Montana - Wyoming
5.	Juneau, Alaska (and Seattle Liaison Office)	P.O. Box 3-8000 Juneau, Alaska 99802 (907) 586-7177	- Alaska
6.	Minneapolis, Minnesota	631 2nd Avenue, South Minneapolis, Minnesota 55402 (612) 725-2904	- Minnesota - Wisconsin - Michigan - Illinois - Indiana
7.	Muskogee, Oklahoma	Federal Building Muskogee, Oklahoma 74401 (918) 687-2295	- Eastern Oklahoma - Texas

	Area Office	Address And Telephone Number	Area Of Coverage
8.	Navajo, Window Rock, Arizona	Window Rock, Arizona (602) 871-4368	- Arizona (Navajo) - New Mexico
9.	Phoenix, Arizona	3030 North Central P. O. Box 7007 Phoenix, Arizona 85071 (602) 261-4101	- Arizona (except Navajo) - Nevada - Part of Utah
10.	Portland, Oregon	P. O. Box 3785 Portland, Oregon 97208 (503) 234-3361	- Idaho - Oregon - Washington
11.	Sacremento, California	Federal Building 2800 Cottage Way Sacremento, California 95825 (916) 484-4682	- California
12.	Eastern (Washington, D.C.)	Central Office 1951 Constitution Avenue Washington, D.C. 20245 (202) 343-5582	- Florida - Mississippi - North Carolina - New York - Ohio

BUREAU OF INDIAN AFFAIRS REORGANIZATION

PHASE I - REVIEW/PLANNING

REPORT

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INTRODUCTION

Purpose:

This report presents the culmination of efforts of Bureau personnel selected (1) to complete a review of the DOI Task Force Report on BIA Reorganization and (2) to prepare decision documents for implementation. This effort constituted Phase I - Review/Planning. An intensive 45-day analysis, under the general direction of Deputy Assistant Secretary Goodwin, translated the 36 Report recommendations into alternative approaches with specific action plans for implementation.

The following timetable was established for the Phase I effort.

May 22 - July 3	Report analysis and decision document preparation.
July 5	Final document copies were due to coordinators.
July 6 - July 10	Coordinator reviewing and editing; supervision of typing, duplication, etc.
July 11 - July 13	Area Director and Supt. Committee. review.
July 17	Final Report submission to the Assistant Secretary

After the management reviews have been completed, the Assistant Secretary - Indian Affairs together with Under-Secretary Joseph and Secretary Andrus will decide which recommendations will be implemented and which alternative approaches will be used in implementation. Phase II - Implementation will then begin followed by Phase III which will deal with ongoing monitoring and evaluation of Bureau organizational changes.

Background:

Under Secretary James Joseph testified in a July, 1977 Congressional hearing that certain BIA management improvements would be made. This was reinforced by the Assistant Secretary designate Forrest Gerard at his September, 1977 confirmation hearing. Thus, the Departmental Task Force on BIA Reorganization was established. The Departmental Task Force was comprised of five committees - each assigned responsibility for dealing with improvements in the five functional areas of Bureau operations: Administration, Education, Indian Services, Tribal Resources Development, and Trust Responsibilities. The final Report of the committees setting forth 36 recommendations was submitted to the Secretary on March 31, 1978.

The report was published in the Federal Register for public comment for a 60-day comment period which ended June 15, 1978. Numerous comments were received and passed on to the Phase I personnel for consideration in this report.

The Phase I-Review/Planning effort was initiated by Assistant Secretary Gerard on April 12, 1978, when he called together a small group of people to prepare an operational plan for conducting this Phase. Deputy Assistant Secretary Goodwin was designated to head up this effort which began May 22, 1978. The plan provided the framework for the review process that grouped each of the 36 recommendations into seven categories. Personnel were selected for participation and assigned specific responsibilities as follows:

Phase I Coordinators: Judie Zundel, Sam Adams

Departmental Liaison: Mandy Balch, Cecil Hoffman

Team Assignments:

Team 1 - Evaluation

Bob Grignon
Ray Maldonado
John Taylor
Ted Krenzke

Team 2 - Communication

Tanna Chattin
Bob Benn
John Meyers

Team 3- Employee Improvement

Marie Monsen
Joe Weller
Toni Pierce
Dale Heald
Jim Cornett

Team 4 - Structure/Function

Gene Adams
Chizu Toda
Lee Maytubby
Micky Dowdy
Ed Plummer
Bill Babby

Team 5 - Education

Mercedes Lewis
Sheila Hackett
Donald Morgan
Van Peters
Ron Jaeger
Tom Hopkins
Jerry Waddell

Team 6 - General

Max Little
Sam Gardipe
Delores (Tudy) Roullier
Joe Otero
Spec Waldrip

Team 7 - Directives

Mike Abretski
Gordon Evans
Celestine Maus

Analysis Process:

Each team conducted a unique yet similar analysis of the Task Force Recommendations. All followed a systematic approach to answering the basic who, how, what, why, and when questions inherent in each recommendation. This "brainstorming" formed the data base for preparing the decision documents. In many instances, restating the recommendation as an objective facilitated the process; what had to be done to effect change was identified and stated as the objective. Understanding the problem was only a fraction of the process, however. Once the teams identified the issues, they then looked for causes, implications, and solutions.

Decision Document Preparation:

The "brainstorming" or analytical process produced voluminous material which the teams refined and presented in a decision document format. This format, required by the Department for all secretarial decisions, served as a basic guide for ordering of the data. Within team processes varied from individual member assignments in writing documents to collective team writings. Each team document reveals the results of total analysis with final review and editing by the Coordinators.

Specificiation of the action, and identification of individual or office to take that action, was often difficult. Many problems are of such long-standing duration and are so all encompassing as to defy characterization, that determining the steps required to solve them becomes a problem in itself. Teams have presented solution options for implementation complemented by pro and con factors, impact statements, and a team recommendation statement.

Decision Document Format:

The team documents are presented in the format set forth for Secretarial decision papers. Teams, at their option, could add to the basic format, but could not delete portions. The format is:

Recommendation #____: The Task Force Recommendation is stated here.

I. Objective: If the Team felt it necessary to restate the Recommendation, restatement is presented.

II. Background: Statements necessary for the reviewer to better understand the problem with which the Task Force and the Review/Planning Team dealt is presented.

III. Alternative Approaches: Options for implementing the recommendation, followed by PRO, CON factors and Impact analysis results are presented.

IV. Recommended Alternative: Each Review/Implementation Team was requested to provide the Assistant Secretary - Indian Affairs with its preference for implementation; these recommendations are presented in this section.

"Decision Document Summary Sheet" precedes the actual decision document that will be used by the Secretary, the Under Secretary, and the Assistant Secretary - Indian Affairs to show their combined decision. Space is provided for any comments or suggestions they may have.

To provide for overlap with the next phase of the Bureau reorganization effort, the Phase II -- Implementation, action plans follow each of the decision documents. This will allow for the tracking of implementation actions and will provide a means for evaluating progress.

Management Review:

Each of the decision documents is to be thoroughly reviewed by the Bureau's Area Directors, the Superintendent's Committee, and the Project Officer, Flagstaff Administrative Office. Area Directors and Superintendent Committee representatives will need to read and discuss each of the recommendations within their internal committee organization to provide the following end result:

(1) A written statement reflecting the preferred alternatives for implementation; and

(2) any other alternatives to be added to the recommendations.

The seven team leaders from Phase I and the two coordinators will be available for clarification or other assistance during this review. Clerical assistance will be provided for the duration of the review session, and any comments, additions, or recommendations should be clearly identified within or in addition to the report material.

Following this session, the additions will be incorporated into the final decision document package and submitted to the Assistant Secretary - Indian Affairs.

DECISION DOCUMENT

Recommendation #1

The top level organization should consist of the Assistant Secretary for Indian Affairs with three principal Deputies -- Policy, Planning and Evaluation; Operations (Commissioner); and Budget and Finance (Comptroller).

I. Objective

Provide for structural placement of the Assistant Secretary - Indian Affairs to function as the principal policymaker and advisor to the Secretary on Indian matters.

II. Background

The Bureau has been severely criticized for lack of accountability, lack of clear policy enunciation, being unresponsive to changing needs and not doing long-range planning. This has resulted from lack of strong leadership coupled with heavy involvement of the Central Office in program operations instead of planning, policymaking and evaluation.

The position of Assistant Secretary - Indian Affairs was created in 1977 to provide for elevation of the chief executive of the Bureau to a policymaking role for the Department and the Federal government. The Assistant Secretary was also elevated to serve as chief advisor to the Secretary of the Interior on Indian affairs. However, the Assistant Secretary has had to function as operating head of the Bureau of Indian Affairs in addition to his duties as advisor and policymaker. The Task Force Recommendation calling for three deputies to the Assistant Secretary attempts to correct the existing situation and return the Assistant Secretary to his position as policymaker and advisor.

The recommendation and its supporting narrative provide a mechanism for freeing the Assistant Secretary from the day-to-day operational activity of the Bureau and creates a system for enhancing long-range planning by comparing the planning results.

In reviewing the recommendation, this team concluded that with only slight modification the objective of the Task Force could be achieved. We differ with the wording of this recommendation in that we would not recommend a tri-deputy concept, but rather the filling of the currently legislated Commissioner of Indian Affairs position. The Assistant Secretary position would be retained and would function as originally intended.

The position of Commissioner of Indian Affairs was created in 1832 by the Congress. To date the position has not been abolished, however is currently not occupied. The need for an operational head of the Bureau of Indian Affairs, is thus apparent, and the Commissioner position is therefore, available to fulfill this function. As the Task Force report indicates, the Assistant Secretary - Indian Affairs cannot focus on the longer range aspects of Indian programs and, at the same time, resolve day-to-day operational problems of the Bureau.

In addition to recommending the tri-deputy concept, the Task Force also supported a realignment of certain functions now performed at the Central Office level. If the realignment is accompanied by the filling of the now vacant Commissioner position, this team feels that the objective intended by the recommendation will be achieved.

III. Alternative Approaches

A. Alternative #1:

Establish Assistant Secretary - Indian Affairs as focal point for Bureau leadership at Departmental level.

PRO	CON
- Drastic realignment pleases critics in the Indian community, GAO and the Congress	- Assistant Secretary - Indian Affairs will be Bureau head
- Highlights Trust and 638	- One Deputy cannot legally be co-equal to other Deputies
- Control through three Deputies	- One Deputy will not control budget
- Divides budget into time frames	- Operational detail involvement prevents effective leadership at Secretarial level
	- Drastic changes result in unrest and work interruption
	- Role duplication
	- Functional chaos
	- Limited advocate visibility
	- Inter-Government outreach limited

Impact:

The changes are substantial and result in a focus on policy, planning and evaluation which have been neglected in recent years. There is no layering between the Assistant Secretary - Indian Affairs and the Bureau which directly involves the Assistant Secretary - Indian Affairs as the on-site operational manager of the Bureau. Employee unrest will be caused by the necessary realignment resulting in substantial work interruption.

The development and execution of programs divided into time frames is a new concept in Bureau budgeting and could possibly result in chaos because of greater demand for cooperation and communication. The Bureau's new budgeting system, which is location oriented, should be given an opportunity to function before attempting a change.

B. Alternative #2:

Modify the Task Force recommendation by re-establishing the Commissioner's position as an operating head over the Bureau. The proposed Deputy Assistant Secretaries will be Assistant Commissioners. The Assistant Secretary - Indian Affairs office will be staffed as functionally needed.

PRO	CON
- Assistant Secretary - Indian Affairs primarily in policy, planning, evaluation and Indian advocacy role	- Commissioner could rival Assistant Secretary - Indian Affairs for leadership
- Assistant Secretary - Indian Affairs removed from Bureau level operations	- Drastic realignment causes unreset resulting in work interruptions
- Assistant Secretary - Indian Affairs free to operate at Secretarial level - DOI	
- Drastic realignment pleases critics	
- Highlights Trust and 638	
- Commissioner controls through two Deputies	
- Budget divided into time frames	
- Overcomes legal obstacles in 23 USC, 1a and 2	
- Allows time for Assistant Secretary - Indian Affairs to meet with national tribal leaders	
- Clearly establishes Commissioner as Bureau head	

- Intra/Inter Government outreach is excellent

- Resolves budget control problem in task force recommendation

Impact:

This alternative overcomes the objections of involving the Assistant Secretary in daily operational detail and frees him to perform at the highest policy and decision making level. There is no unnecessary layering and span of control is limited enough to ensure effective management control. Employee unrest will be caused by the necessary realignment resulting in substantial work interruption. The development and execution of programs divided into time frames is a new concept in Bureau budgeting and could possibly result in chaos because of greater demand for cooperation and communication.

C. Alternative #3:

Modify the existing organization by re-establishing a Commissioner as the operational head of the Bureau. A Commissioner and one Deputy will be established as an organizational layer between the Assistant Secretary - Indian Affairs and the Bureau organization.

PRO	CON
- Assistant Secretary - Indian Affairs primarily in policy, planning, evaluation and Indian advocacy role	- Minor changes will displease critics
- Clearly establishes Commissioner as Bureau head	- Policy, planning and evaluation does not receive emphasis
- Resolves budget control problem in task force recommendation	- Present organization has not been effective
- Assistant Secretary - Indian Affairs removed from Bureau level operations	- Span of control quite broad
- Assistant Secretary - Indian Affairs free to operate at Secretarial level	
- Fewer changes minimize work interruption	

- Allows time for Assistant
  Secretary - Indian Affairs
  to meet with tribal leaders

Impact:

The changes are not substantial in terms of realignment but rather to "organize" and free the Assistant Secretary - Indian Affairs from his presently required involvement in daily operations. It requires that line authority be established from the Commissioner to operating functions in the field to allow Central Office directors to concentrate their efforts in making the Central Office an effective policy, planning and evaluation organization. The span of control is quite broad and will tax the Commissioner's office in maintaining effective control.

D. Alternative #4:

Modify the existing organization with a Deputy and two Associates by reestablishing the Commissioner's position as the operational head of the Bureau and establishing a layer to reduce the span of control required of the Commissioner.

PRO	CON
- Assistant Secretary - Indian Affairs primarily in policy, planning and evaluation roles	- Minor changes displeases critics
- Assistant Secretary - Indian Affairs removed from Bureau level operations	- Policy, planning and evaluation does not receive emphasis
- Assistant Secretary - Indian Affairs free to operate at secretarial level	
- Allows time for Assistant Secretary - Indian Affairs to meet with tribal leaders	
- Reduces span of control	
- Clearly establishes Commissioner as Bureau head	
- Resolves budget control problem in task force recommendation	

Impact:

The changes are not substantial in terms of organizational realignment but rather to "organize" and free the Assistant Secretary - Indian Affairs from his present required involvement in operating detail. It requires that line authority be established from the Commissioner to operating functions in the field to allow the Central Office Directors to concentrate their efforts in making the Central Office an effective policy, planning and evaluation organization. The span of control is reduced by two Associate Commissioners. This layering could impact grades of the Directors and would impede decision-making.

E. Alternative #5:

Keep the existing Assistant Secretary - Deputy Assistant Secretary organization as is.

PRO

- Operations head should not be involved with housekeeping details
- Save reorganization expenses

CON

- Assistant Secretary - Indian Affairs involved at operating level
- Critics feel Bureau should be reorganized
- Legal problems in appeals, etc.
- Two-headed monster
- Lack of control

Impact:

The existing organization with Assistant Secretary and two Deputies is not effective in that it limits the Assistant Secretary to the operational functions of the Bureau instead of one as a policy-maker and policy influencer. These "dual" responsibilities are too great for one person and thereby neither can be performed effectively.

IV. Recommended Alternative

The most viable alternative is number three. It presents the least disruption to ongoing work while at the same time eliminates the requirement that the Assistant Secretary - Indian Affairs remain involved with daily operations. There are no legal obstacles. Its worst drawback is a public relations problem that we really aren't attempting "anything new" in terms of reorganization.

The Task Force recommendation #1 should not be adopted as submitted by the Task Force because it involves the Assistant Secretary - Indian Affairs as the on-site operational manager of the Bureau. It requires extreme organizational realignment resulting in employee anxiety and work interruption. This team recommended alternative #3 to allow the Assistant Secretary - Indian Affairs to effectively function as a policymaker. It requires minimum disruption to the organization in making a change to an organization whose Central Office primary mission is policy development, planning and evaluation. The suggested organizational design is not considered as critical as is a commitment of Central Office functions to concentrate on policymaking, planning, and evaluation as opposed to running operations. The Assistant Secretary - Indian Affairs will surround himself with staff as needed to formulate the policies he considers most crucial to the Bureau mission.

Decision Document

Recommendation #2

The Assistant Secretary should have a relatively small immediate staff reporting through an Executive Assistant.

I. Objective

To describe and define the responsibilities, roles and accountability of positions in immediate support of the Assistant Secretary - Indian Affairs. Such positions should be structured to support the Assistant Secretary in his role.

II. Background

The Assistant Secretary has stated that the "single most important factor of this reorganization is to ensure that the position of Assistant Secretary for Indian Affairs becomes and remains that policy maker and policy influencer which was the rationale in setting it up in the first place." To enable the Assistant Secretary to assume this role of leadership and to free him from the day to day operations, the reorganization task force recommended he be given a small immediate staff.

In order to determine the nature of the staff positions in the immediate office of the Assistant Secretary - Indian Affairs, it is essential to first identify the role which the Assistant Secretary himself will carry out, since any staff positions established would of necessity reflect that role. Just as there are several possible roles for the Assistant Secretary - Indian Affairs there are also several potential approaches to structuring the positions which support him. Several of these will be discussed in section III, Alternative Approaches.

Although the Assistant Secretary has clearly indicated his desire to free himself of day to day operations within the BIA in order that he may concentrate on his Departmental role, Reorganization Task Force Recommendation #1 would leave him squarely in the center of the operational problems by not clearly distinquishing between Department and Bureau and by not providing for a single accountable executive for the BIA. By providing three co-equal deputies, recommendation #1 ensures that problems which cannot be be agreed upon will need to be resolved at the next higher level, that of the Assistant Secretary. It is essential to recognize this as we approach Reorganization Task Force Recommendation #2, because of the need to consider a role as the operational head of BIA in at least some of the alternatives.

By not clearly drawing the line between Bureau and Department it becomes uncertain as to the roles some positions will play, particularly that of the Deputy Assistant Secretaries. Is their role to be a Departmental role in support of the Secretary of Interior and the Assistant Secretary - Indian Affairs or is it to be a Bureau role in support of Bureau operations? Will the existing Departmental staff offices provide the necessary support services such as Congressional Affairs, Equal Employment Opportunity, Personnel, Budget, Public Information, Solicitor or will some of these offices be required within the office of the Assistant Secretary?

The following four issues are highlighted as being critical to determining the nature of the Assistant Secretary's immediate staff:

1. The functions which the Assistant Secretary - Indian Affairs will perform in the capacity of an Assistant Secretary of the Department of the Interior and the role and functions which the Assistant Secretary will perform in relation to the operation of the Bureau of Indian Affairs.

2. The flow of line authority from the Assistant Secretary to the Bureau of Indian Affairs.

3. The roles and relations of the Assistant Secretary and his staff to Departmental staff offices such as that of the Solicitor, the Public Information Office, the Congressional Affairs Office.

4. The sources of support for the Assistant Secretary and his staff (e.g., budget, personnel services, source of funding, positions and ceiling).

The position of Assistant Secretary - Indian Affairs is new, and the role assigned to that position by 130 DM 2.1 is to serve as "...the chief executive officer of the Bureau". The immediate staff positions which have been established are along functional lines, with mixture of advisory and operational duties. In some cases the immediate staff roles have been in conflict with Bureau programs and have had the effect of undermining the responsibility of office directors, as the staff has become involved in day to day decision making. The current role of the staff assistant is identified in 130 DM 2.3 as providing "...expert specialized advice to the Assistant Secretary in the formulation of both short and long range policy for the resolution of critical issues confronting the Bureau and its constituency. They present advice regarding mission, program, functional or managerial policy necessary to achieve the objectives set forth by the Assistant Secretary. They ensure that all aspects of a given problem are completely evaluated, that the full range of alternatives are presented for Assistant Secretarial action, and that decisions are implemented in a timely manner."

The role of the Assistant Secretary is still evolving and the final roles of this position have not yet been fully identified. Evidence of this evolution is seen in the Assistant Secretary's recent memo dated June 5, 1978, in which he describes the relationship between his office and the Bureau as follows: "While the Assistant Secretary as a line official has general authority and responsibility for the programs and operations of the Bureau of Indian Affairs, he is not the on-site operational manager of the Bureau." As the role of the Assistant Secretary becomes more and more a Departmental role, the immediate staff of the Assistant Secretary needs to evolve to continue to focus on those activities necessary to the support of his position. Thus they will become less and less involved in those activities concerning day to day Bureau operations.

At the present time (FY 78), positions, ceiling and funding are provided by BIA for all positions except the position of the Assistant Secretary. If additional positions are added in FY 79, they must be funded within available funds. Ceiling could only be provided by transfer from within the Bureau, or by the Department's furnishing additional ceiling. When the immediate staff of the Assistant Secretary is transferred to the Department, we recommend that funds, positions and particularly ceiling be furnished by the Department rather than being transferred from the Bureau of Indian Affairs. The loss of the ceiling and budget for these positions would exacerbate a problem within the Bureau in light of recent significant cuts in positions within administration.

III. Alternative Approaches:

We submit 6 alternatives for consideration.

A. Alternative #1: Reorganizational Task Force Proposal

The Task Force proposes functions "which are needed close at hand by the Assistant Secretary to efficiently perform the function as the chief policy and congressional relations officer: Congressional Affairs, Public Information, Intergovernmental Relations, Correspondence, Legal Specialist, Executive Management Development, Equal Employment Opportunity" (Task Force Report, Section IV, pg. 12).

PRO	CON
- Gives Assistant Secretary immediate, direct access to such functions as PIO, Congressional Affairs, Legal	- Moves some Bureau functions to Department; Bureau would then need to reestablish
- Only minor DM 130 changes required	- Duplicates functions of Department staff offices
	- Does not provide positions to directly support the Assistant Secretary in his role

Impact:

This alternative with the positions established as listed does not really aid the Assistant Secretary in fulfilling the mission of his position. It does not provide positions to support him in the role of a Department level advocate for national Indian affairs and interest with relations to other Federal agencies, the Congress, other governmental levels, national organizations and the general public; and as a Departmental trustee or perhaps even an interdepartmental trustee. We do not feel that this alternative is viable.

B. Alternative #2: An Operational Staff

The Assistant Secretary would have a relatively small staff consisting of special assistants with "hot issue" assignments in such fields as Natural Resources, Hunting and Fishing, Legislative and Congressional Liaison, Alaska Affairs, and others as needed along with essential support staff in such roles as staff assistants, secretaries, etc.

PRO	CON
- Gives Assistant Secretary immediate access to resolving critical problems - making timely decisions ensuring implementation	- Could function as if they have line authority
- Increasing Assistant Secretary's ability to control BIA activities	- Possible intervention in program operations
- Keep Assistant Secretary aware of BIA activities	- Undermine role of program officials
	- Loss of accountability
	- Bureau employees could send their work "topside"
	- Increase Assistant Secretary involvement in BIA operations - adverse impact on Departmental role

Impact:

These staff assistants, working on "hot issues" as assigned would get deeply involved in the implications and substance of the issue and in the operational solution to the issue, as distinguished from the fifth alternative in which the staff would function more in an advisory role to the Assistant Secretary.

An operational staff would give the Assistant Secretary immediate access and control on controversial, critical operational problems and allow him to make timely recommendations or decisions. This would focus operational policy-making on the Assistant Secretary and would inhibit his opportunity to perform in a Departmental role. There is a strong potential for the staff to become involved in day to day decision making as though they have line authority which could undermine the responsibility of Bureau employees. There could be a definite adverse impact on employee morale. This alternative is presented more as a danger than as a recommendation since any staff, however configured, can potentially evolve in this direction. The Assistant Secretary's June 5, 1978, memorandum gives strong recognition to the possible role conflict between his staff and the Bureau staff. An operational staff is not considered to be a viable alternative.

C. Alternative #3: Trust/Advocacy Staff

The Assistant Secretary would have a small immediate staff consisting of approximately eight specialists with expertise in working and coordinating with other agencies of the Federal government, national organizations, and the public concerning Indian and Alaska Native programs. In addition, essential support staff in the form of staff assistants, secretarial and clerical positions would be required.

PRO	CON
- Increase emphasis on national advocacy and trust responsibility	- Lack of emphasis on BIA problems and needs
- Emphasis on Departmental role of Assistant Secretary	- Potential for overlooking BIA input in developing policies on national approaches to problems
- Clear separation of BIA and Department functions	
- Delegates managing of BIA to the Bureau	

Impact:

Trust/Advocacy staff would focus outside the BIA toward other Bureaus within the Department and also outside the Department to other Federal agencies, the Congress, other levels of government, etc. Staff positions under this concept would assist in developing an integrated national approach to trustee responsibilities and Indian programs. They would be involved in seeking common policies and goals, developing agreements and cooperative arrangements for delivery of services, funding, etc. They would coordinate funding and seek out new sources of programs and funds for Indians. They would also be involved in congressional liaison and public relations regarding Indian programs. In addition, they would become involved in international issues as they relate to Indian affairs. The staffing would be patterned to provide direct support for the Departmental role of the Assistant Secretary enhancing his trustee responsibilities and with increased emphasis on national advocacy for Indian interests. This alternative would provide a clear separation of Bureau roles from Departmental roles. This alternative is considered viable although it lacks emphasis on BIA problems and needs by focusing externally.

D. Alternative #4: An Executive Board

The Assistant Secretary would assemble an executive board consisting of himself, the Commissioner and Central Office program directors in a decision making relationship to be worked out to meet his needs. In addition, the Public Information Officer would participate in a non-decision making role. Staff expertise from various programs would be drawn in as needed within their specialized fields to provide advice, recommendations, or to participate in the decision-making.

PRO	CON
- Uses program directors as advisor/decision makers	- Doesn't address Departmental role of Assistant Secretary
- Forces work to the level at which it should be performed	- Involves Assistant Secretary in Bureau operations
- Forces coordination across programs and improves communication	
- Facilitates accountability	
- Clarifies roles	
- No additional budget, positions, ceiling required uses existing resources	
- Assistant Secretary has direct input to operational policy	
- Strengthens Central Office leadership role	

Impact:

With an executive board of this type, the Assistant Secretary would have direct input to Bureau operations. This concept strengthens and clearly defines the role of Central Office directors as advisors/decision makers, implementers of decisions and as individuals accountable for the successful implementation of Bureau programs. This alternative would provide for timely recommendations and decisions on controversial or critical issues. It would improve internal communications across program lines within the Bureau and between levels of Bureau activities such as Central Office, area and agencies. Using the executive board in this manner would fix points of accountability for various aspects of policy decisions. It would force the work to the level at which it should be performed; that is, to the various staff offices and program offices within the Central Office for the development of those procedures or implementing directives. Central Office officials would also be heavily involved in the interpretation of policies, and the resolution of problems which are presented from the agency and area levels. To be effective as a policy making/implementing instrument, the executive board would need to meet on a frequent, regular, scheduled basis preferably at least once a week. This alternative would provide strengthened Central Office leadership and enhance the headquarters image of the program officials in Washington. The focus of this alternative is on Bureau programs and operations; the Departmental role of the Assistant Secretary is not emphasized. This alternative is considered viable.

E. Alternative #5: An Advisory Staff

The Assistant Secretary would have a small immediate functional staff consisting of specialists (in an advisory role) in specific areas of interests such as Alaska Affairs, Hunting and Fishing, Natural Resources, Legislative and Congressional Liaison. Appropriate support staff required such as executive assistants, secretarial and clerical positions would be required.

PRO	CON
- Would not make operational decisions	- Could overlap or duplicate work done by Central Office
- Would not function as though they have line authority	- Could lead to overturning lower level decisions - undermining program directors
- Gives Assistant Secretary more control over critical/ controversial issues	- Could lead to communications by-passing Central Office directors
	- Adverse impact on Departmental role of Assistant Secretary

Impact:

An advisory staff would give the Assistant Secretary immediate access to critical and controversial problems and permits timely recommendations and decisions. A staff of this type would not function as though they had line authority and would not make operational decisions (as described in Alternative #2) which could interfere with program operations or make Bureau Central Office staff ineffective. However, it could overlap or duplicate staff work and could result in lower level decisions being overturned thus undermining the role of BIA officials and perhaps leading to communication problems. With an increased Assistant Secretary involvement in BIA operations, there would be an adverse impact on the Departmental role of the Assistant Secretary. A staff of this type is not structured in such a manner as to provide resources to assist the Assistant Secretary in his intergovernmental activities or in his advocacy role, although it could provide support in his trustee responsibilities. This alternative is considered viable.

F. A Combination of Alternative 3 and Alternative 4

The Assistant Secretary would have a relatively small immediate staff focusing on the intergovernmental role of the Assistant Secretary and structured as described under alternative 3. In addition, an executive board as described in alternative 4 would be responsible for the direction of BIA programs and operations.

PRO	CON
- Increase emphasis on Assistant Secretary departmental roles in national advocacy and trustee responsibility (from present)	- May be difficult to keep staff focused on extra-BIA matters
- Clear separation of Department and Bureau functions and roles	
- Delegates managing BIA to Bureau	
- Uses program directors as advisors/decision-makers	
- Forces work to appropriate level	
- Facilitates accountability	
- Strengthens Central Office leadership role	
- Balances emphasis on Departmental and Bureau responsibilities of Assistant Secretary	

Impact:

By combining an immediate staff of trust/advocacy specialists with expertise in various aspects of the Assistant Secretary's Departmental role as a national advocate for Indian Affairs and as a focus for national federal trustee responsibilities, with an executive board focusing on Bureau operations the Assistant Secretary will be fulfilling his total mission. This alternative combines the best aspects of alternatives numbers 3 and 4 and overcomes the most serious objections to each. There is a distinct role division between the Department and the Bureau. The Assistant Secretary's appropriate place in relationship to each role is provided. There is continuity of workflow from the Assistant Secretary to the Bureau or from the Bureau to the Assistant Secretary, facilitating both national and long-range policy making by the Department and the resolution of operational problems within the Bureau. This alternative would allow the Assistant Secretary to draw upon Bureau resources to augment his Departmental responsibilities by providing a link through the Commissioner and the program directors to the working level of expertise in a wide variety of occupations. A chart is attached to illustrate possible roles and role relationships of the Assistant Secretary to his Departmental functions. It also illustrates the relationships of the Assistant Secretary to the Bureau of Indian Affairs and identifies the flow of line authority from Assistant Secretary to a Commissioner of Indian Affairs.

IV. Recommended Alternatives

We rank the six alternatives as follows:

1st choice alternative 6 - a combination of alternative 3 and alternative 4.

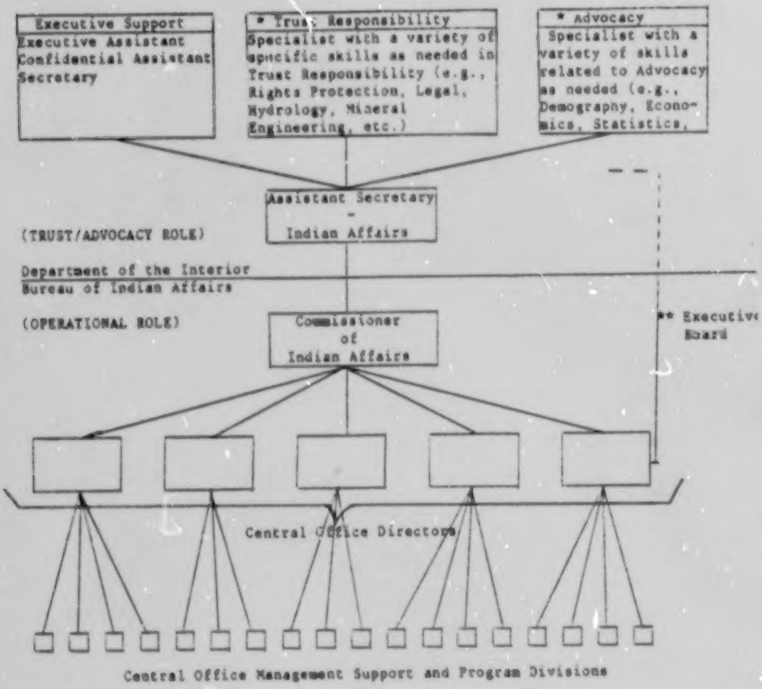
2nd choice alternative 3 - a Trust/Advocacy Staff.

3rd choice alternative 4 - an Executive Board.

4th choice alternative 5 - an Advisory Staff.

5th choice alternative 1 - The Reorganization Task Force Recommendation (not considered to be a viable option).

6th choice alternative 2 - an Operational Staff (not considered to be a viable option).


Executive Support
Executive Assistant
Confidential Assistant
Secretary
* Trust Responsibility
Specialist with a variety of specific skills as needed in Trust Responsibility (e.g., Rights Protection, Legal, Hydrology, Mineral Engineering, etc.)
* Advocacy
Specialist with a variety of skills related to Advocacy as needed (e.g., Demography, Economics, Statistics,
Assistant Secretary - Indian Affairs
(TRUST/ADVOCACY ROLE)
Department of the Interior
Bureau of Indian Affairs
(OPERATIONAL ROLE)
Commissioner of Indian Affairs
** Executive Board
Central Office Directors
Central Office Management Support and Program Divisions

* These 2 functions could be headed by Deputy Assistant Secretaries for Trust and for Advocacy if desired.

** The Assistant Secretary could choose not to participate as a part of the Executive Board if he wishes total separation from Bureau operations.

DECISION DOCUMENT

Recommendation #3:

The Assistant Secretary should establish a regular, informal process through which he can make direct contacts to hear the views of a wide variety of field employees of the BIA, Indian tribal members and Alaska Natives.

I. Objective

To enable the Assistant Secretary, as the chief executive of Indian Affairs, to establish better understanding and awareness of issues concerning individual(s) to be contacted, improve morale, and widen the scope of the communication process thereby helping the system to operate more efficiently. This applies to both field and central office employees and individual tribal members.

II. Background (Tribal)

A process for informal contacts between Bureau officials in the field and tribal members in the field has been well established for many years. However, because of time-distance considerations, contact between individual tribal members or groups of tribal members with the Bureau head have been minimal. In short, those individual tribal members who are not both influential and affluent enough to make the trip to Washington and secure an appointment with the Bureau head must rely on the mailing system or wait until the chief executive comes to them.

III. Alternative Approaches (Tribal)

A. Alternative #1:

Designate special time for open forum meeting on a weekly basis in the Assistant Secretary's conference room to reflect cordiality of "Hospitality Suite" environment.

PRO	CON
- Provides opportunity for meeting those who are unable to secure private appointment	- On occasion, could lend itself to mob psychology and argument rather than meaningful dialogue

- Provides avenue for two-way communication
- Makes communication process visible
- Gives tribal members and delegates a chance to express themselves rather than have concerns interpreted by others
- Improves esprit de corps with tribal members
- Might have opportunity to learn about things staff does not relate
- Involves no cost

- Schedule hard to establish and maintain
- Individuals with limited or no travel money would be excluded
- Reinforces Central Office autocracy
- Productivity difficult to measure
- Will take time to give individual tribal members opportunity to participate

Impact

Setting aside a specific time on a designated day on a weekly basis to meet with tribal members is an approach to communication never before initiated within the Bureau of Indian Affairs.

The success of this effort would be based on strict maintenance of the established schedule. It must be rigidly built into the Assistant Secretary's schedule as regular as clockwork. When the Assistant Secretary is on travel or called away by higher authority, no one less than a Deputy Assistant Secretary must be available in his place. In that sense, the impact on the office would be quite profound in the sense of adhering to a set time schedule. Keeping the schedule is crucial, for if any slippage occurs, the Assistant Secretary's credibility will suffer and cause a negative chain reaction among the Indian population.

B. Alternative #2:

Establish hospitality suite or room at national and/or regional Indian meetings.

PRO

- Good visibility
- "Hospitality" expresses generous and cordial

CON

- Productivity not easily measured
- Expensive

reception. Such an environment invites informal, unhampered and graceful exchange

- Socially more responsive
- Location sites more accessible to tribal members

- Travel hardship
- Could instigate organizational jealousy if one conference had to be bypassed
- Need large staff
- Would not have reference or resources at hand
- Would take Assistant Secretary away from office too often

Impact

Hitting all major national and regional meetings might take on an aspect of travelling road show. The "informal" and "direct" aspect of personal contact might eventually be sacrificed by overzealous staff assistants who might assume "protective" behavior under the strains of travel. Indeed, to handle the many tasks of routine and sustained travel would require at least a handful of aides to pilot the operation and accommodate decisions and follow-up. To shuttle such a retinue around the country would be burdensome, expensive and a drain on manpower from the Central Office. Day-to-day decisions on an administrative basis would obviously be impacted by prolonged or sporadic travel by the chief executive.

C. Alternative #3:

Designate annual meeting with tribal members alternating central office location with field sites.

PRO	CON
- Would establish direct contact between the Assistant Secretary and tribal members	- Large numbers negate dealing with specific or local problems on individual basis
- Time could be specifically programmed to pertinent discussion areas	- Competing political groups may still demand private audiences constituting time drains and/or inter-tribal conflict

- Good visibility
- Cultivates sodality
- Provides direct feedback from tribal members
- Neutralizes aura of aloofness surrounding Central Office
- Reduced financial burden on individual tribal members

- Puts Assistant Secretary "on-line" with individual tribal members
- Effectiveness not easily measured
- Large meetings are cumbersome
- May be viewed by tribal leaders as an attempt to undermine tribal government

Impact

Hosting a large meeting with tribal members would require concientious coordination and proper delegations of authority to ensure trouble-free implementation. There would be numerous occasions for slippage unless one person is assigned to coordinate the operation. The Assistant Secretary should play the host applying 100% concentration and time scheduled during the duration. Preparation time for the yearly event might require several months pre-planning and enough time to execute all the steps involved. This would employ additional staff work. However, once the meeting was in progress, all visibility should be alloted the Assistant Secretary. Cost estimates would apply to support services from recorders, night typists, rental of equipment. Preparation of advance materials will have to be costed out and prepared in time. When this annual meeting is scheduled for other than Central Office location, longer range planning and execution is essential. Staffing assignments will be a burden for field employees who will bear additional work loads. Politically, this elevation of status might effect a stronger tie between the BIA and Indian people and provide an impetus to a more cohesive alliance of tribal leaders on major issues. Danger lies in Leaders themselves not appreciating the intent and significance of the occasion in which case the portent and productivity might be stigmatized as an attempt to undermine tribal government.

D. Alternative #4:

Schedule an annual tour of reservation areas.

PRO	CON
- Stresses interest in reservation environment	- Assistant Secretary might be subjected to inter-tribal factionalism
- Provides psychological reinforcement	- Travel is time consuming and strenuous
- Inspiration factor for youth and others	- Expensive
- Counters isolationism of Assistant Secretary's office	- Politically difficult to assess travel circuit
- Allows Assistant Secretary to mingle directly with Indian community	- Time and productivity difficult to control and measure
- Humanizes Assistant Secretary position	- May be viewed, by tribal leaders, as an attempt to undermine tribal government
- Initiates media coverage and publicity	
- Motivates tribal governments	

Impact

The provision for direct field contact with tribal members on a continuous basis will change the work habits of the BIA. It will most likely mean a monthly or bi-monthly trip encompassing several reservations, villages or Indian communities on a single tour. In that instance, the administrative weight of day to day operations will greatly depend on telephone conferences with additional administrative burdens being placed on the two deputies. The work quality of staff assistants might suffer due to frequent travel interruptions when their services are needed on the road with the Assistant Secretary. It might also provoke a leaderless feeling of the Central Office with major decisions held in abeyance until the Assistant Secretary returns. Congress may or may not have a negative reaction to high travel costs and documentation and justification of trips will no doubt be carefully scrutinized by OMB and the DOI.

E. Alternative #5:

Establish a toll-free number.

PRO	CON
- Tribal members would have access to the central office on an immediate basis	- Abuse of telephone privilege by those who have no legitimate reason to call
- Would help ease travel costs	- Expensive
- Calls could be recorded, transcribed and summarized for Assistant Secretary with consent of caller	- Free calls may increase need for additional staff
- Some calls could be transferred to appropriate resource person	- Resource staff might be impacted by additional telephone work
- Would help policy and decision makers more readily ascertain needs and comments of tribal members	- First hand communication with the Assistant Secretary may not always be possible - may be viewed as an exercise in futility
	- Danger of inconsistent information being provided

Impact

Inviting tribal members to use a toll-free number to call into the Assistant Secretary's office would necessitate additional staff to handle the volume. As an example, the telephone burden within the various offices within the Central Office often handicaps work output by trivial and inconsequential calls. Referrals take up an enormous amount of time. However, the Bureau does have a continuing responsibility to serve its entire constituency, this includes providing adequate response to concerns expressed by individual tribal members. This operation then, would have to be specialized with appropriate equipment installed to record, document and transcribe expressed viewpoints, opinions, resolutions and questions. In a sense, an electronic BCCO would have to be established. Since time would prevent the Assistant Secretary's taking the calls personally, it is hard to pre-determine the reaction from tribes. Where referrals are possible, however, the system would surely offer a means for instant communication with little or no out-of-pocket expense being assumed by the tribal members. Also, if the only reason for a call is to relay tribal feedback on a specific issue, then a toll free number might be an advantage for both the BIA and its constituents.

IV. Recommended Alternative (Tribal):

We recommend a combination of alternatives 1 and 4. Number one should be implemented because it is a simple thing to do physically if one accepts the schedule, and it is good policy. It involves no cost, and the face-to-face communication process is easier.

The Assistant Secretary should also get down to the grassroots level to see and meet with tribal people. The Bureau operates a program of nearly a billion dollars per year to assist the Indian population of this country. The Bureau has a personal interest to ensure that the benefits being derived from Bureau assistance meets or exceeds the goals and expectations of its constituency. To this end, feedback from tribal members is essential.

II. Background (Internal Communications -- Bureau):

On the Bureau side of this communication coin, employees, too, have not fared so well. A system for hearing the views and overall concerns of employees themselves has not been a management priority. The Area Directors representing field input and through Central Office Directors representing headquarters personnel are the only existing communication channels.

The rationale, therefore, for Recommendation Number Three, is to correct incomplete cycle of upward communication within the Bureau. It is also intended to improve morale among employees by providing rank and file employees a means of access to top management.

III. Alternative Approaches (Internal Communications -- Bureau):

A. Alternative #1:

Establish an Area Office and Central Office conference on a rotating basis which provides for six area office visits per year.

PRO	CON
- Builds morale, espirit de corps	- Increases workload of Assistant Secretary
- Provides inspiration to lower grade employees	- Financial burden on Area Offices to ensure participation of agency personnel

- Provides supervisors and managers with an additional untapped resource.
- Provides psychological buildup
- Generates enthusiasm
- Reveals early potential problem areas
- Humanizes Assistant Secretary position
- Solidifies organizational development

Impact

It is quite evident that a changing organization requires implementation of new and better ideas. One way of obtaining ideas, excluding the Incentive Awards Program, is through staff meetings and consultations. These serve any organization. However, because of budget considerations, no action plan is submitted.

B. Alternative #2:

Establish a network of communications clusters (committee) to advise the Assistant Secretary and provide feedback.

PRO

- Provides a means of early detection of problem area
- Establishes a means of gathering information
- Selects material to be placed before the Assistant Secretary
- Formalizes employee input

CON

- Promotes secrecy
- May result in withdrawal of information
- May inhibit individual input
- Selection process of committee members may be counter productive to the desired goals
- eliminates possibility of impromptu employee input

Impact

A network of communications clusters (committees) to advise the Assistant Secretary of problem areas which should be addressed may improve Bureau operations. However, it would place a greater burden on these offices from which the committee members are selected while they are absent from their normal duties. For this reason the selection process for individual participants may be slanted to the exclusion of employees most likely to provide the most valuable input. For these reasons no action plan is submitted.

C. Alternative #3:

Initiate participative management program.

PRO	CON
- Develops and changes employee habits and attitudes	
- Assures open door policy to all employees	
- All employees share burden of responsibility	
- Speeds up decision making process	
- Improves morale	
- Reduces autocratic conception of management by employees	

Impact

Individuals become pieces of the machine losing their personal identity. Later they develop an apathetic attitude towards the very system of which they are an integral part. More participation is essential to ensure organizational development and promote and intensify internal communications.

In order to accomplish these goals it will be necessary to incorporate the concept of a total open-door policy at all supervisory levels within the Bureau. The total scope of the open-door policy should include:

1. A policy statement by the Assistant Secretary indicating that all employees are *encouraged to comment on any issue concerning them* through the following:

a. Verbal comment through the chain of command during regularly scheduled time periods set aside for such by all supervisors.

b. Within the comment periods on items published in the Federal Register.

c. Preparations and submittal of "white papers" through channels, with the right to CC at any management level without fear of reprisal.

d. Access to Assistant Secretary Reading File and right to comment to the appropriate staff person.

2. To ensure ready access to resource material, a resource information resource station should be established as part of the Public Information Office for all who might need copies of: proposed legislation,, proposed rule making, proposed policy making, and Assistant Secretary's Reading File. This last recommendation would serve management as well in that there is no currently centralized point for obtaining such needed information.

D. Alternative #4:

Mail "suggestion box" system.

PRO	CON
_ Provides secrecy	- Is viewed with much cynicism by both writer and reviewer
- Easy method to implement	- Ideas with "merit" are submitted presently through Incentive Awards Program
- No significant cost involved	- Not candid
	- Appropriate persons may never have an opportunity to consider input

Impact

This type of action would only promote negative response from critics within the Bureau. Therefore, no action plan is submitted.

E. Alternative #5:

Schedule annual BIA convention.

PRO	CON
- Would involve all employees	- Time loss Travel costs excessive
- May elicit commitment from employees	- Would serve as "gripe" session only
	- Would have entertainment atmosphere only

Impact

An annual BIA convention would not resolve Bureau problems and would create a gathering of 1-15,000 employees for a reunion type effect. The expenditures of travel funds and time loss would be detrimental to any significant benefits, therefore no action plan has been submitted.

V. Team Recommendation (Bureau):

We recommend Alternative #3 be selected because of its overall merit and benefit to the Agency. It is the only program that offers the most return in terms of real cooperation between employees and top management. It also increases the professional attitude of each employee to internally opt for better efficiency.

It is not a fly-by-night cooperation but a long term process to ensure internal BIA communication to alleviate morale breakdown and employee underachievement while ensuring input from all available resources.

Decision Document

Recommendation #4

To reflect the high level of commitment to self-determination on the part of the Bureau, program and policy implementation of P.L. 93-638 should be placed under the Deputy Assistant Secretary - Policy, Planning and Evaluation.

I. Objective

To optimally reflect the Bureau's high level of commitment to self-determination, program and policy functions should be placed in an appropriate organizational structure.

II. Background

Passage of the Indian Self-Determination and Education Assistance Act (P.L. 93-638) in January of 1975 ushered in a new era in the association of Federal agencies with Indian groups throughout the nation.

Indian self-determination can be attained by either of two provisions set forth in the Act. First is a directive to the Secretary of the Interior to enter into contracts with tribal organizations for the planning, conduct or administration of programs that the Secretary is authorized to administer for the benefit of Indians predicated on certain conditions, including tribal capacity. The other approach may be termed tribal government capability building which includes the training and assistance that may be needed to develop the requisite capability. In order to carry out the intent of the Act, the BIA must have the resources necessary to facilitate implementation of the Administration's self-determination policy.

In FY 1977, the Bureau of Indian Affairs considered many ways to organize for implementation of P.L. 93-638 and decided to create two units at the Central office. One office, (Indian Self-Determination staff principally policy development and coordination) was placed within the Office of the Assistant Secretary to provide guidance, coordination, direction and cohension to all Bureau efforts related to the act. The second office known as the Division of Self-Determination Services was placed within the Office of Indian Services to provide assistance in carrying out the responsibilities for coordination, support, training and technical assistance, which was made available to tribal and Bureau staff in support of Title I of the Act.

The philosophy of self-determination must permeate throughout the Bureau of Indian Affairs and Indian country. The ultimate goal of this philosophy is to improve the process within the Bureau to plan and to respond to tribal initiatives in contracting, tribal government capacity building, and tribal recommendations to improve Bureau programs.

The present organizational structure was created to give high visibility to 638 and to provide focal points at a high level in the organization, i.e., policy within the Office of the Assistant Secretary and programs within a special division of the Office of Indian Services. Three positions were allocated to each Area office to facilitate carrying out all aspects of the Act. The agencies were not provided self-determination staff. At the Central Office, the policy staff role should include that of Bureau advocacy for 638 implementation. This staff, in addition, handles appeals, legislative changes and other issues presented by field offices. The program staff within Indian services serve as facilitators to incorporate the resources of the central offices much like area office staff facilitors at each area office. The overall goal of the organization of the self-determination function is to emphasize that 638 is not a program, but a process that must permeate throughout the Bureau.

III. Alternative Approaches:

A. Alternative #1:

Leave the existing offices intact. The final organization of the top level of the Bureau will affect the present structure, however, the policy function remaining within the office of the operational head of BIA (Commissioner) should be maintained to give 638 policy a Bureau-wide clout. The 638 staff within the Office of Indian Services, as a special division, engage in program activities which relate to the support of tribal government and include grants, training and technical assistance. The administrative functions are in the office of administration and support the program activities.

PRO	CON
- This keeps the policy aspects within the office of the operational head of the Bureau while at the same time keeps policy formulation out of program operations	- Confused roles
- It appears to show that self-determination is a high priority of the Bureau.	- Two offices are involved to provide focal points - one for policy and one for 638 programs.
- Visibility to both policy implementation and program activities	- Tribes view this separation as a duplication of effort and utilization of funding that could be better spent for tribes
- Program activities are coordinated from one focal point in order that different offices need not provide varying solutions to common problems, and policy is coordinated from another focal point	- Indicates Bureau considers 630 a program rather than a process

Impact:

Disruption of the 638 process would not occur and services would continue to be delivered in much the same manner. To have greater impact, more concentration to alleviate problem areas such as program monitoring must occur.

Indian tribes, the Congress, BIA personnel, the Department of the Interior, and Indian people, (to name a few) are awaiting sweeping changes in the organizational structure to facilitate implementation of the 638 process and better delivery of services.

With 638 viewed as a program at the Central Office, the policy implementation throughout the Bureau will be slowed for some time.

B. Alternative #2:

Combine policy and program units at the Deputy Assistant Secretary level. This major premise would lead one to believe that policy and programs should be combined at a higher level under the Deputy Assistant Secretary - Policy, Planning and Evaluation. This is contrary to good management practices. Ideally, policy should be at a high level, and programmatic functions placed under operations, at area, and agency levels.

PRO	CON
- Indicates that the 638 process is important and would hope to receive a lot of attention from the central organization through one focal point	- Places the Office of the Deputy Assistant Secretary directly into program operations with all the unique responsibilities associated with this activity such as budget development and field coordination, etc.
- Gives high visibility to both programmatic and policy implementation and is less confusing to field offices	- Programmatic problems would need to be solved by Deputy Assistant Secretaries
	- Usurps the various offices that have a mission and organization structure to administer the programmatic aspects

Impact:

Would be throwing together policy responsibilities involving the whole Bureau with the limited program aspects of grants, training and technical assistance, which relate primarily to tribal government activities. The staff would probably have little time to devote to policy aspects and would result in little improvement in the 638 process.

C. Alternative #3:

Merge to a Division level

This would combine the policy staff within the office of the Assistant Secretary with Self-Determination services.

PRO	CON
- It would indicate the 638 process in successfully working throughout the Bureau and does not need special emphasis	- The policy function would be reduced to a single division with bureaucratic surname process stiffling any efficiency
	- Would signal to tribal governments that self-determination is not a priority with this Administration
	- Would indicate self-determination is not a process but merely a program
	- Policy functions impacting on the total Bureau operation would be redelegated to an office far down within the organization

Impact:

The policy aspects relating to all elements of the Bureau would be lost at the division level. Its determinations would often not be acceptable to other programs and it would lack accessibility to top management in the Bureau. There would be no policy direction for the Bureau as a whole and no responsibility for ongoing policy concerns directed by the Act, leaving field offices to their own devices.

D. Alternative #4:

Alter the present concept

Leave intact the policy staff reporting to the Office of the Commissioner or the Deputy Assistant Secretary for Program Operations, abolish the self-determination services division, and place their function in appropriate units. This would entail transferring programatic functions now performed in this division to the Division of Tribal Government Services within the Office of Indian Services. The programmatic functions should be placed within already established divisions which are responsible for various functions such as tribal grants administration (Office of Indian Services) Contracting and Grants Administrative Staff, (Office of Administration), and Contract Support (Office of Administration), and Technical Assistance with Tribal Government Services (Office of Indian Services).

PRO	CON
- This would place programmatic aspects in the proper perspective by allowing the policy function to be the focal point of central office purpose	- Additional resources will be needed to properly evaluate and monitor the 638 process. They would be needed to be identified to give this function the clout needed to get the job done
- Would create an atmosphere for self-determination to become a process and not focussed as a program within Central Office	- This emphasizes the need for high visibility of the program function, and places more importance on the policy function
- Would efficiently utilize existing staff within Tribal Government Services to add to the programmatic 638 functions. This division has staff expertise capability provided by the tribal government development program	- Would indicate that the present structure has been the root of difficulties in carrying out functional responsibilities vis a vis problems caused by other factors. There is no analysis to indicate this is the case

Impact:

This would leave intact the policy staff reporting directly to the operating head of the Bureau. The staff would be in a position to take actions as necessary to encourage and promote the self-determination concept both within the Bureau and elsewhere. This restructuring at the Central Office will focus policy decisions at the high level. For the programmatic function of self-determination services, it would eliminate the appearance of duplication of effort, and at the same time elevate 638 coordination, policies and procedures to their proper level.

IV. Team Recommendation

The team recommends alternative four for several reasons. However, this structure will not solve all the problems associated with the Indian self-determination problems experienced throughout the Bureau. Although recent analysis indicated this Act has taken root within the Bureau, it has not reached the plateau of a process permeating throughout the Bureau. A commitment needs to be made at the highest level to assure tribal governments that the support is available and Bureau organizations will follow policy guidelines to make the process of Indian self-determination a reality. This restructure at the central office will focus policy decision implementation at a level to reflect a commitment and support toward self-determination efforts by people in very top positions. This means added responsibility for the self-determination staff and we recommend all positions including a permanent director of this effort be filled immediately.

DECISION DOCUMENT

Recommendation #5

Administration of existing training programs and special facilities should be consolidated under the Deputy Assistant Secretary--Operations (Commissioner) so as to improve the training and technical assistance capabilities of the Bureau immediately; to meet the needs of its personnel and of Indian tribal governments and Alaska Natives; and these functions should be physically consolidated at a centralized location.

I. Objective

To provide a better vehicle to deliver technical assistance and training.

II. Background

The Indian community has expressed a need to have training and technical assistance made available that will improve their ability to take advantage of self development opportunities. It is also recognized that there are limited opportunities for Bureau employees to fully develop their capabilities, or to develop tribal expertise in program administration or to allow individuals optimum career goals. To accomplish this will require a coordinated technical assistance and training thrust. The improved training and technical assistance capability is needed in managerial areas to allow tribes to take full advantage of P.L. 93-638; to prepare individuals to take advantage of job opportunities; and to improve employee skills so the Bureau can better act as advocates. Consideration should be given to addressing training and technical assistance as separate entities. These functions are sometimes synonomous and sometimes not. In some instances the same organization, such as an audit team, can conduct training in bookkeeping, and can also provide technical assistance in setting up a new bookkeeping system.

Housing construction training may provide training in learning constructive skills but may be ill equipped to provide technical assistance in filling out applications for H.U.D. housing programs. The degree to which any consolidation can take place of these functional areas as well as their structural placement, must be studied further before any final decision is made on what can be consolidated. The increased technical assistance and training that tribes will require to take full advantage of P.L. 93-638 is going to be a mix constantly chauging. Presently tribes need technical assistance in the application for and the administration of programs. This should lead to an increased need for training for a time reverting later to technical assistance .

As Bureau technical assistance role changes take place, structural changes will occur as a result of determining the best functional mechanisms to employ that role change. Technical assistance may be provided, for instance, from either the Agency level or Area level or a combination of both, with a "centralized" responsible office to plan and develop policy and monitor and evaluate technical assistance services to Indian tribes which may or may not include training. Also, training may or may not always be a form of technical assistance. Training functions would need to be developed and offered for both Bureau employees and for tribal employees. All of these possibilities plus many other combinations of training and technical assistance will need to be fully explored in terms of feasibility (cost/benefit basis). Some of the satellite operations may complement each other if they are combined--others may not. Some functional operations may also complement each other. Duplication of efforts will need to be addressed in more detail in a phased study and action plan that will look at all the interrelatedness of existing training and technical assistance activities, programs or offices correlated to the future role of the Bureau.

The training and technical assistance operations identified in the Task Force Report are:

1. Indian Technical Assistance Center in Denver. The Indian Action Program has been in existence for approximately five years. It provides funding, administration, and technical assistance to some 60 Indian contractors who in turn provide (1) training to tribal members in occupations which facilitate construction, operation, and maintenance of reservation facilities, and (2) assistance to tribal governments in the administration and management of various reservation programs. The contracts affect nearly 130 different tribes. Initially the program commenced as a training activity but now it has widened its program scope to include: (1) providing tribal members with satisfactory home and community conditions through development of local businesses, employment of economically disadvantaged individuals, and construction of community facilities; (2) skills development and personal enrichment by providing work opportunities through actual temporary employment experience with the Indian Action Teams; (3) development of cultural and recreational opportunities for both social and economic purposes; and (4) improvement of the physical environment--conservation, management, and utilization of reservation natural resources.

2. National Indian Training Center in Brigham City, Utah. Makes national assessments and evaluation of training needs of Native Americans annually. Develops, prepares, conducts and evaluates training/educational courses based on the determined needs of Native Americans. As requested, provides expertise for planning, coordinating, and conducting pre-service and in-service training programs and workshops for Bureau personnel. Develops, produces and evaluates multi-media instructional material for training courses. Maintains a library and provides library resource services to support Bureau educational and training goals. Provides consultative services and professional assistance related to training, media preparation and library resource services to tribal organizations.

3. Planning Support Group in Billings, Montana. This group is staffed to carry out most socio-economic type studies, resource inventory and potential type studies and various specialized development studies.

4. Training and technical assistance funds provided under P.L. 93-638. A small staff located in the Central Office Indian Services has responsibility for administering funds to improve or enhance the effectiveness of tribal government.

5. Technical Assistance oriented to function of the Indian Education Resource Center in Albuquerque. This office provides staff and technical assistance to the Director and coordinates the supervision of five divisions which provide training and technical assistance to Bureau and tribal organizations. A brief description of these division functions follows.

A. The Division of Continuing Education provides technical assistance for coordinating adult education and vocational training activities.

B. The Division of Educational Assistance provides technical assistance for monitoring and evaluating Johnson O'Malley, Elementary and Secondary Education Title Programs, and assigned flow through programs.

C. The Division of Educational Audio-Visual Services located in Brigham, Utah, provides Bureau educational programs with films for classroom teaching, vocational instruction and teacher training; provides a film library and media production training for Indian students; and is responsible for coordinating non-educational films and materials with the Public Information Staff in compliance with applicable regulations and Departmental Manual requirements (471 DM).

D. The Division of Education Evaluation and Research provides technical assistance for research and data collection required to evaluate Bureau education programs.

E. The Division of School Facilities provides technical assistance in the development of long range plans for construction. It establishes criteria for design of school space and develops educational equipment specifications. The Division procures school equipment and trains school members in the use of equipment. The Division maintains liaison with the Division of Facilities Engineering.

6. The Indian Police Academy in Brigham City, Utah. This office established in 1969 to provide recruit training at Brigham City and in service training through an outreach program to Bureau and tribal law enforcement employees.

7. The Continental Divide Training Center in New Mexico serves as an employee training center. It also provides training to tribal and "other area" employees on a space available basis. Training required under Federal Employees Training Act and other general administrative and technical courses are offered.

8. Other various area training functions to design training programs and planning funds are currently in the Office of Indian Services, in the Divisions of Tribal Government Services, Tribal Planning Services and Self

Determination Services. These provide funds and support services for the preparation of comprehensive plans and mapping activities; Development of tribal long-range and program planning capability; and training and technical assistance to Bureau and Tribal Staff in support of Title I of the Self Determination Act.

9. Branch of Employee Development (not listed by Task Force) plans, develops, coordinates and directs the implementation of Bureau-wide programs in the broad areas of employee development under Executive Order 11348.

III. Alternative Approaches

A. Alternative #1:

Accept the task force recommendation as written. This would require the consolidation of all programs or segments of programs that provide training or technical assistance to Bureau or tribal employees.

PRO	CON
- Central combined unit focus on T & TA	- Extra expense necessary for travel
- Economy by elimination of duplication	- Involves C.O. in operations
- Eliminates fragmentation in both T & TA functions	- Mixing of programs which are only related by Title
- More funds will be available for a few selected Tribes resulting in more comprehensive training development plans	- Fewer tribes will be able to benefit
- Reduced operation offset by cost	- Requires RIF
- Reduced staff	- Training staffs not all full time presently
- Supports 638 philosophy	- Course offerings may be too general

Impact:

The proposed realignment would possibly cause a RIF situation because it requires drastic organizational changes. This could result in work slowdown and morale problems. The concentration of funds and technical assistance staff would result in more resources being available for more complete comprehensive assistance and training for tribes and Bureau employees.

The combination of the different units may give the Bureau synergistic results that are not possible under fragmentation. Uniform approaches and systems can be developed or be modified to fit unique local tribal situations; inter-agency assistance and coooperation can become meaningful; planning and needs assessments can be responsive to tribal wishes and requests.

The areas and agencies would be impacted if this central unit would itself deliver all training and technical assistance. This would conflict with present area and agency technical assistance responsibilities. The tribes might also receive "cart blanc" training and technical assistance that may not meet their specific needs or provide them with quality technical assistance in a timely way.

B. Alternative #2:

Leave existing Bureau training and technical assistance functional areas in place. The training and technical assistance programs in existence meet the requirements of the Government Employees Training Act.

PRO

- People know jobs & place in organization
- Can be realigned later to meet tribal needs
- Ongoing work will not be interrupted
- Some units are strategically located already and would be further removed from the bulk of their clientele
- Some units are recognized as producing exceptionally high quality work

CON

- Duplication exists among some of programs
- Savings could be affected
- Some T & TA units are presently under-utilized
- Lack of consistent policy

Impact:

The training and technical assistance available to tribes today is fragmented and not always delivered in a coordinated fashion because of geographic location and lack of coordination by these T & TA units. Duplication and under-utilization occurs. However, moving these units away from the primary clientele and mixing apples and oranges will not correct the ills of the Bureau in offering T & TA. Better coordination could cure the bulk of the existing problems. Later, as we are able to assist tribes in preparing comprehensive plans and needs assessments, the T & TA delivery system can be restructured for optimum efficiency and services.

C. Alternative #3:

Modify the task force recommendation after a closer examination of the functions. This should be an extensive-indepth study. For example, it makes sense to consolidate managerial training program policy for greater efficiency and coordination. This could include employee development programs such as the Departmental Training Program; Field Management Training Program and the Phoenix Superintendent, Administrative Officer, and Tribal Operations Officer - Intern programs. Also to be considerered is whether employee training should be combined with tribal training and how it would relate to technical assistance and manpower planning.

Discussion:

The study and action plan should be phased to allow implementation of "obviously advantageous" combinations of training or technical assistance programs early on. No detailed alternatives with pro/con factors are provided because of the complexity and number of training and technical assistance program offerings available and the numerous possibility of program combinations. The study would have as a first priority an indepth study and evaluation to arrive at the best possible mix or combination of the various units providing training or technical assistance. The following are examples of possible combinations:

1. Technical assistance/Training combinations - situation specific Departmental Manager Development Program, Indian Police Academy; Field M.D.P.).

2. Technical assistance/Training unit combinations - functional relatedness (National Indian Training Center in Brigham City, Utah; Continental Divide Training Center in New Mexico; Branch of Employee Development), Central Office technical assistance office, etc.

3. Training and technical assistance combinations determined necessary as a matter of policy. (Centralized)

4. Leave training and technical assistance functions at area and agency levels and add a new responsible field office for providing general administration and evaluation to field technical assistance personnel.

PRO	CON
- Would maximize utilization of T & TA units.	- Implementation could involve C.O. in operations
- Unanimity can be achieved by combination of units.	- Could be interpreted as another delay in reorganization

- Training and technical assistance is presently fragmented.
- Highly complex mix of training and technical assistance units can be more advantageously combined
- Danger of "over-centralizing" program functions rather than monitoring and evaluation.

Impact:

This alternative combines the positive aspects of the task force recommendation with a more moderate approach which will take into account that some units such as IERC and Continental Divide are already within 200 miles of the bulk of their clientele. There is no magic in combining units merely because of name similiarity. This alternative requires that a small team examine the consolidation concept carefully and present a specific recommendation to the Assistant Secretary - Indian Affairs. This alternative also allows management changes to bring about greater efficiency by coordination without incurring costs.

V. Team Recommendations:

The team recommends that alternative three be adopted. This alternative calls for a phased study and action plan that allows for obviously needed changes to be made early-on and reserves major changes until completion of an extensive detailed study. It is recognized that the present organization is not operating at peak efficiency and has room for improvements in consolidating and coordinating the fragmented programs that presently provide training and technical assistance to Bureau staff and/or tribal organizations. The ideas presented by the task force were sound, however, an examination of some of the components to be combined reveals obvious faults. For example, the majority of the IERC clientele is already within 200 miles from Albuquerque, and 95% of the Continental Divide clientele comes solely from the Navajo Reservation. To consolidate and move them further may not be feasible. A closer examination of funds available for training is definitely needed. The team also is concerned that consolidating all technical assistance and training into one office may result in a highly vulnerable organizational segment for future "axing," and duplicate the role of area and agency offices.

DECISION DOCUMENT

Recommendation #6

The Management Research and Evaluation (MR&E) unit should be strengthened and should report directly to the proposed Deputy Assistant Secretary for Policy, Planning and Evaluation.

I. Objectives

7

A. To provide capability within BIA to conduct evaluations of program performance at Central Office, Area and Agency level.

B. To provide capability within BIA to perform management analysis activities in support of the functions of the Bureau.

Both objectives can only be attained through significant support from Bureau executives and managers at Central Office, Area and Agency levels.

II. Background

The Division of Management Research and Evaluation presently reports to the Assistant Director, Management Services, within the Office of Administration, with responsibilities as described in 130 DM 7.1F(3). Nineteen positions are budgeted for the Division; however, only 12 positions are filled. Of these 19 positions, 5 are assigned to the records and files section. The responsibilities of the Division include staff support in the development, coordination, administration and evaluation of management practices and policies for the Bureau. The responsibilities of the Division do not include evaluating performance of operating programs within the Bureau. At the present time, there is no system within the Bureau for making such evaluations.

The management analysis functions within the Bureau do not receive adequate emphasis and their importance is not generally recognized. Bureau emphasis in staffing of management analysis activities lags far behind other Bureaus within the Department. Most Area offices lack full time management analysis capability. The management analysts assigned to the Division of Management Research and Evaluation are now assigned tasks from time to time which do not relate to activities of management analysts. This interferes with performing essential functions in support of Bureau management. There is a lack of understanding on the part of managers within the Bureau as to what management analysis should and could provide. This lack of emphasis and understanding by managers has resulted in not taking advantage of assistance which could be available in developing efficient organizations, better work methods, management information systems, etc. This in turn has affected mission accomplishment and program delivery. There is a significant need for additional staffing and for highly skilled (i.e., journeyman level level and expert level) management analysts with specialized expertise in the various kinds of work for which the Division of Management Research and Evaluation is responsible (e.g., organizational development and organizational analysis expertise, industrial engineering, time/motion study expertise, records management expertise, forms management expertise, etc.).

In addition to the traditional management analysis activities, Public Law 93-638 has given impetus to a new organizational dynamic within the Bureau. As tribes contract for Bureau programs, the mission of the BIA will slowly undergo a shift from service delivery to technical assistance. The Bureau needs the capability to react appropriately to this organizational dynamic. For example, new and efficient organization designs will be necessary to accomplish the revised mission of agencies, areas, and even the Central Office. There will be a need for new work processes and for additional management information. Public Law 93-638 also requires that a technical assistance role be provided to the tribes in developing their own management systems. This need for assistance in developing work processes, records management, organizational design, and management information systems within tribal governments will add to the existing demands for management analysis skills in the Bureau.

As stated above, the Bureau currently lacks the capability to systematically evaluate the performance of operating programs. The Bureau is consistently criticized by the tribes for lack of efficient and effective delivery of services and also for failing to fulfill its trust obligations. Criticisms are widespread and pervade nearly every Bureau activity. Tribal dissatisfaction with BIA performance has resulted in strong pressures for Bureau reform. Without effective program evaluation, it is difficult to determine the quality of service now delivered and where responsibility for program failures should be fixed. Program performance as used here refers to quality of the program and the results which it achieves. For example, is it meeting the real need; is there compliance with the directives and with program objectives; are there overlaps and gaps; or is coordination between programs taking place as appropriate? Evaluations of program performance would of necessity require individuals with skills in the program being evaluated for the purpose of assessing the qualitative and other subjective measures of performance. Such an evaluation should not be confused with an evaluation of management systems such as is now the function of MR&E.

III. Alternative Approaches

Six alternatives are presented for consideration.

A. Alternative #1:

Establish the Division of Management Research and Evaluation within the Office of Administration reporting directly to the Director of Administration.

PRO

- Removes one organizational layer above MR&E
- Places MR&E on equal basis with Personnel Management, and Financial Management
- Would keep MR&E with other administrative support functions

CON

- Without emphasis and support from management, MR&E will not be able to be more effective
- Does not adequately address program evaluation needs of BIA

Impact:

This alternative would remove one level of organization and supervision above the present location of MR&E. A mere change in the organizational level of MR&E will not necessarily result in a change in MR&E's effectiveness. To bring about a change of that sort, there must be additional skilled manpower resources allocated to the Division. In addition, active support in the implementation of management analysis activities must be provided by the Assistant Secretary and the Commissioner of Indian Affairs. This alternative should impact favorably on the organizational structure of the Bureau and enhance its capability to do its job. Other management analysis functions, such as those described in the background statement above, would also be enhanced assuming that the additional skilled management analysts are added to the staff. This alternative does not address the serious need for capability within the Bureau to perform program evaluations. This alternative is considered viable, however, it does address only half of the problem.

B. Alternative #2:

Remain in present structure and provide additional ceiling and funding.

PRO

- Will not require any changes in DM 130
- Co-located with other management support activities, allowing coordination of efforts in resolving problems

CON

- MR&E will lack clout and effectiveness if "top side" support and backing are not provided
- Too many levels of organization and supervision above MR&E
- Base funding and ceiling already established

this would inhibit getting additional ceiling and funding

- Does not address the serious need for capability within BIA to conduct program evaluations

Impact:

This alternative has very similar impact to that mentioned above in alternative #1. It has the advantage of requiring no organizational change in order to be accomplished. It may be difficult to give sufficient emphasis to management analysis activities if the Assistant Secretary and Commissioner of Indian Affairs do not make it very clear that management analysis activities have their complete support and backing. This alternative has the same serious shortcoming addressed above, in that program evaluation is not provided for. It cannot be assumed that program evaluation activities and the kinds of evaluation activities carried by management analysts are the same or can be performed by people with the same skills. Management analysts are not well trained in technical aspects of service delivery programs and therefore would be at a disadvantage in conducting a technical evaluation of those programs. This function would best be performed by specialists within each occupation being evaluated. This alternative is considered to be viable, although it does not address the issue of evaluations.

C. Alternative #3:

Place Management Research and Evaluation under the Commissioner of Indian Affairs.

PRO	CON
- Reduces organizational and supervisory layers	- Separated from other administrative and management programs
- Provides more clout to MR&E activities	- Would place an operating program at the policy making level
- May enhance ability to provide additional ceiling and funding to MR&E	- Doesn't address the issue of MR&E's role, only superficially deals with problem by moving a box on a chart

Impact:

This alternative would enhance the visibility of management analysis programs within the Bureau by placing it at the Commissioner level. It would receive additional emphasis and is more apt to be in a position to acquire the ceiling and funding necessary to perform its role. However, management analysis is a functioning management support program not a policy-making activity and should not be attached to the policy-making level of the Bureau. Also, this alternative would separate MR&E from other managment support activities with which it needs to coordinate, such as, Personnel Management and Financial Management. This alternative would inhibit coordination of management support resources necessary to work on a given problem. It could result in grade levels within MR&E becoming inflated, because of a change in organization level rather than because of a real change in the nature of the work or assigned responsibilities. This alternative does not address the role of MR&E with relation to the need for program evaluation capability within the Bureau. This alternative is considered viable.

D. Alternative #4:

Combine the organizational analysis function of Management Research and Evaluation with Personnel Management.

PRO	CON
- Organizational analysis and position management functions are similar and related	- Might eliminate one source of opinions on crucial issues (presently Personnel, Finance and MR&E)
- Improve coordination between organizational analysis and position management activities	- Does not address the basic need for additional ceiling and funding
	- Might result in loss of management analysis skills with relation to organizational analysis
	- Could result in reassignment problems because of Indian preference
	- Could result in a reduction-in-force

Impact:

This alternative would merge closely related functions of organizational analysis and position management into the Division of Personnel Management. At the present time, MR&K is responsible for reviewing soundness of proposed organizational structures; Personnel Management is responsible for position classification and position management; Financial Management is responsible for control and funding of positions and employment ceilings. These three functional areas overlap to some extent. In some Federal bureaus organizational analysis and position management have been merged within the personnel organization. While the skills of management analysts working on organizational issues and position classifiers working on position management issues are somewhat similar, they are not identical. There is a distinct advantage to applying the separate skills of management analyst and position classification specialist to a given organizational problem. Placing management analysis and position management in separate divisions, as at present, results inevitably in problems with coordination between these functions. However, placing them within the same organizational structure inevitably results in the loss of the skills of management analysts as related to organizational issues since over time the positions would become filled with personnel specialists. This alternative is not considered viable.

E. Alternative #5:

Establish a program evaluation office reporting to the Commissioner of Indian Affairs and provide for increased emphasis on management analysis activities within the Office of Administration.

PRO	CON
- Provides for both management analysis activities and program evaluation if both are adequately staffed/funded	- If not adequately staffed/funded it won't get done
- Can provide desired objectives if top management gives strong emphasis/support	- If roles of management analysis and program evaluation are not fully understood and felt to be necessary by top management, the programs will be ineffective
- Involves top management in locating its own weaknesses and increases willingness to "own" the problems	

and to make needed
changes

Impact:

This alternative deals with the real issue of identifying the appropriate roles for management analysis and for program evaluation. It would continue within the Office of Administration most of the present functions of MR&E. These management analysis activities would include such things as records management, organizational analysis, issuance of Bureau directives and manuals, management information systems, forms management, work processes analysis and time motion studies.

In addition, this recommendation calls for establishing in a single central location under the Commissioner of Indian Affairs a small staff office with responsibility for coordinating the Bureau's program evaluation activities. Evaluations of program performance would be carried out at the Central Office, area and agency levels including: program quality, program productivity, the use of appropriated funds, levels of staffing, expertise of assigned personnel or lack of such expertise, mission accomplishment, compliance with directives and stated objectives, program overlaps and gaps, extent and effectiveness of coordination with other service programs, and most of all, whether the program is meeting the real need.

A small staff would be responsible for heading up the Bureau's program evaluation by providing for the necessary policies with regard to evaluations and with responsibility for insuring that evaluations are scheduled and conducted on a regular recurring basis. This staff would also monitor actions taken to remedy problems which are identified through evaluations and will provide the Commissioner with reports and recommended corrective actions. This office would be responsible for arranging for the logistical support for evaluation teams and for the preparation of the evaluation reports. It is felt that four or five professional positions can fulfill this role of implementation and coordination of the evaluation activities as well as serving as team leaders or representatives of the Commissioner. In addition, a couple of typists would be necessary for clerical support. The professional skills and expertise for various occupations would be drawn from Central Office program offices, Area offices and Agency offices to make up evaluation teams.

To provide the proper staffing and specialized skills necessary to carry out a management analysis program, it is felt that within the Central Office one or two management analysts should work full time on Bureau directives, such as BIAM. In addition, one or two management analysts should be assigned records management as a full time responsibility. Organizational analysis activities would require at least three or four management analysts. Management information systems should have a minimum of six to eight management analysts assigned, with the understanding that managers and program officials, as well as systems analysts and other appropriate specialists, would be heavily involved in the design of such management information systems. Forms management activities would require a minimum of one to two full time management analysts. Work process analysis would require one or two individuals full time. In addition, an appropriate number of clerical staff members would be necessary to support the activities of the professionals within this organization. This alternative is considered to be viable.

F. Alternative #6:

Contract out program evaluation.

PRO	CON
- Additional staff would not be needed for evaluation	- High cost
- Objectivity	- The contractor's lack of knowledge of Bureau programs and BIA mission
- Could acquire highly technical skills which BIA does not presently have	- May not meet real needs
- More applicable in highly specialized programs such as irrigation projects, management and engineering	- Does not involve management in identifying and solving their own problems
- Can be used in combination with other alternatives	- Reduces commitment level
	- Contractor may do superficial evaluation
	- Bureau workload affected (e.g., time to prepare contract, review reports, monitor contractor activity, supply information to contractor and coordinate different contractors' activities)
	- Does not provide for follow-up activity

Impact:

This alternative would provide for an objective review of Bureau performance by an unbiased outside contractor. Thus, it could not be said to be either a whitewash or self-serving. However, the contractor's lack of knowledge of Bureau programs and of the BIA mission might result in either a superficial evaluation or an evaluation which does not take into account the real needs of the tribes which the BIA serves. This alternative is considered to be viable.

IV. Recommended Alternative

Each of the alternatives, with the exception of #4, was considered to be viable; however, some came closer to meeting the real objectives than others.

The clear choice of the alternatives presented was alternative #5 in the opinion of our team. We felt that a mere change in the organizational level of the Division of Management Research and Evaluation will not necessarily result in a change in its effectiveness nor would it meet the need for a program evaluation capability within the Bureau. Alternative #5 places program evaluation activities at the top of the organization where it can most effectively serve the Bureau's top management and provides for additional strength and emphasis to the management analysis activities within the Office of Administration where they are now located and where they can most effectively coordinate with other administrative functions. The alternatives were ranked as follows by the team:

Recommendation #	Title	Rank Order
1	MR&E to Report to Director of Administration	3
2	Remain in present structure with additional ceiling/funding	6
3	Place MR&E under Commissioner of Indian Affairs	2
4	Combine organizational analysis with the Division of Personnel Management	5
5	Establish Office of Program Evaluation Reporting to Commissioner of Indian Affairs and establish office for management analysis reporting to the Director of Administration	1
6	Contract Program Evaluation	4

DECISION DOCUMENT

Recommendation #7

"The Area Office organization structure should reflect the functional structure of the BIA Central Office staffs under the Assistant Secretary for Indian Affairs."

I. Objective

To establish lines of managerial responsibility and accountability; to clarify roles and functions of Central Office and Area offices; to improve communications between Central Office and Area offices.

II. Background

For several years, there has been a breakdown in direction, communication, and cooperation between the staffs of the Area offices and the Central Office. Confusion and lack of understanding on how things get done at the Area and Agency levels on the part of headquarters staff, has created a line/functional staff role conflict. The mixed Central Office functional assignments in area organization structure has resulted in some difficulty in establishing a clear line of functional communication. The present system provides for technical supervision by the five program directors of their functional counterparts in the field, but not for the exercise of line authority. However, this does not actually occur because of absence of firm decisions from top management. The area directors have developed organizational structures designed to meet the specific needs of the tribes and agencies served by the respective areas, and to meet certain statutory and regulatory requirements. As there are wide differences or variations between Bureau operations in various parts of the country and between tribes in a particular area, no consistent pattern nationwide has been possible. With the Bureau frequently without effective top leadership during this period, the area directors had to assume a great deal of autonomy and discretionary latitude in decision-making. With the variety of issues of tribes brought to the area director for immediate consideration, and in the absence of decisions from Central Office and with no pressures for conformance to Bureau policy (which in many cases was outdated or inappropriate for the immediate problem), area directors gradually assumed the Bureau's policymaking role.

The Bureau manual sets responsibility for developing organizational structures in the Bureau line managers, with the proposed organizations of the area and Central Offices subject to approval by the Assistant Secretary, under DM 130.

The Bureau's field organizations consist of 12 Area offices and 81 agency offices. Program services to the tribes are delivered through these field offices.

Under the present organization, the line of authority flows from the Assistant Secretary - Indian Affairs, who is the chief executive officer of the Bureau, and exercises delegated authority from the Secretary of the Interior. The Assistant Secretary is assisted by two Deputies who share line responsibility for the proper management of the Bureau activities. The Assistant Secretary has redelegated authority to the Area Directors and Agency Superintendents in wide areas of responsibility, including budget preparation, administration of trust functions, program policy implementation and execution, personnel, etc. (10 BIAM).

The five Central Office Directors serve as staff advisors to the Assistant Secretary and to the two Deputies, but they have no authority to set program or administrative policy.

The basic division of roles and responsibilities of the various levels are that the headquarters operation provide policy leadership, program development and evaluation and that the field organization is assigned the task of implementing approved policies and carrying out the operations of the Bureau.

The present system attempts to balance overall program requirements as opposed to a fragmented approach resulting from functional program control. The system allows a Superintendent of an Agency to balance his program in relation to local needs as opposed to allowing headquarters functional chiefs to dictate local emphasis.

Another consideration when addressing changes in organizational structures is the changing role of the Bureau of Indian Affairs from operation of Indian services to a technical assistance organization, in line with the national policy of Indian self-determination. The field operation is assuming more responsibility for providing technical assistance and services to tribal governments, and making contracts and grants to the tribes for the provisions of services both under P.L. 93-638 and through other legislative acts.

There are certain steps which must be taken before improvement in the line of program direction and communication can occur, of which the basics are that the missions and objectives of the Bureau and the roles and responsibilities of each level of the organization be clarified and defined. A mere change in the organizational structure is not the only ingredient necessary to remedy and cure the many ills which have plagued Bureau operations and work performance for some time and, unfortunately, have carried over into the present operation to a degree.

In addition to clarifying the roles and responsibilities of the organization, there needs to be emphasis placed on identifying the problem areas and finding ways to resolve them. Following are a number of areas which need to be addressed in seeking management improvement: (1) more emphasis on accountability at all levels of the organization;

(2) scheduled evaluations and reviews of Bureau operation and program delivery at every level of the organization; (3) need for current directives and BIAM releases and voiding outdated regulations and directives and rescinding laws which are no longer needed; (4) need for more stability and continuity and less change-over of employees of Central Office programs; (5) effective management and leadership from the top, with emphasis on obtaining top administrators of high quality who can lead and who have management skills and understanding of a manager's role, rather than political and bureaucratic types who may be insensitive to the mission and role of the Bureau or the unskilled, nonmanagerial types, or nondecision makers or those of "don't rock the boat" syndrome; (6) a need for Bureau-wide practice of dealing with management disciplinary actions, that non-performance and conduct of employee be handled the same at all levels, including the Central Office; (7) improve employee morale and work performance with effective leadership and managers who can lead; (8) need for prompt and timely decisions by decision-makers; (9) functional staffs must refrain from issuing directives to counterparts, and must follow line of authority; (10) consider combining fragmented similar activities into a single organization; (11) the lack of trained Indians in natural resources field, mainly, may require modification in the Indian preference policy to ensure continuation of delivery of services.

Apropos are the comments of the Assistant Secretary when he appeared before the Reorganization Task Force on February 15, 1978: "* * * far worse than completing a reorganization at all would be the disruption of services to our clients and the further dislocation of the Bureau itself through the attempt to make radical and sudden changes in all of the present structures and systems."

The alternative approaches to Task Force Recommendation 7 reflect the issues presented in this background.

III. Alternative Approaches:

We submit five alternatives for consideration.

1. Reorganization Task Force Recommendation.
2. Continue Present Structure.
3. Central Office Director Line Authority
4. AIPRC Recommendation
5. BIA Organization in Functional Clusters--Natural Resources, Human Resources and Management

A. Alternative #1:

Reorganization Task Force Recommendation.

The Task Force proposes the area office organizational structure reflect the functional structure of the BIA Central Office staffs under the Assistant Secretary.

PRO	CON
- Improved communication Central Office & areas	- Identical replication, if required, leads to unneeded organizations. Waste of resources
- Returns policy role and leadership in Central Office	- Could interfere with work processes if current system is working
	- Central Office role, mission and organization need to be examined before any area changes proposed
	- Change of structure is no guarantee of line of program direction and communication

Impact:

This alternative supports the revamping of Area structures in line with Central Office functional structures, rather than the present requirements of the tribes and Agencies served. The alternative could require adding a number of staff positions if replication is required. A recommendation to change a structure which currently appears to be functioning would disrupt the work processes established.

The alternative does not address the roles and responsibilities of the various levels. The Central Office organization must reflect planning, policy development, and program evaluation roles, while the areas reflect implementation requirements. The Central Office role, mission, and responsibilities must be examined before any area changes are proposed.

A change in the structure such as Task Force Recommendation 7 suggests would not guarantee that the line of program direction and communication will have been established if the recommendation was adopted. However, this alternative is viable.

B. Alternative #2:

Continue present structure.

Alternative #2 proposes continuing the present area and agency organizational structures as they are designed to meet the varying needs of the tribes and agencies and reflect the variations and differences found in the areas.

PRO	CON
- Stability in work processes and employee assignments	- Would not improve present programs unless Central Office provides effective leadership
- Clarifying functional role of existing organizations needed, rather than more changes	- Doesn't meet requirement mandated by Congress to reorganize (See Rec. #3)
- Addresses specific needs of tribes and Agencies	- Lacks nationwide pattern
	- Existing communication problems might not be remedied

Impact:

The present system appears to be working. In this alternative it is suggested that management concentrate on clarifying the functional responsibilities of each level of the organization rather than making changes which can result in additional confusion and strain on the relationship of the various levels. By clarifying the roles, the present gaps and overlaps in the organization can be identified. As the Assistant Secretary stated: "This would be the worst time in the history of Indian Affairs, in my view, for the Bureau to become even less effective, because of a reorganization."

It is recognized that the Central Office top staff needs access to their counterparts. We believe this can be accomplished under the present structure. Task Force Recommendation 7, in our view, does not suggest an exact mirror copy of the area and agency levels of the headquarters functional structure, but that an individual(s) be specifically designated at the area office as responsible for carrying out each function identified with the Central Office organizational structure. Such person(s) may be responsible for several Central Office functions carried on at the Area level and will provide communication between headquarters staff and Agency staff.

We recommend adoption of alternative two as we believe it is the most viable at this time.

C. Alternative #3:

Central Office Director Line Authority.

This alternative proposes that Central Office directors be delegated line authority over programs.

PRO

- Each director oversees program planning, development, and implementation phases
- Each oversees and directs implementation of program in field
- Each controls employment ceilings and responsible for them
- Each allocates Central Office, Area and Agency ceilings for respective programs
- Improve Agency to Agency administrative authority at area level caused by consolidating operational line authority in Area director

CON

- Difficult to coordinate programs. Problem of "turf" conflicts
- Problem of preference to certain tribes and projects hurting other programs
- Ceiling fragmented, loses flexibility, with possible loss of ceiling by BIA
- Political preference exercised
- Less funding flexibility
- Conflicts with location budget, FY1980
- Direction of local issues from Central Office unmanageable
- Disruption of workable system create confusion and affects work performance

Impact:

The significant feature of this alternative would delegate line authority to the Central Office directors who would be responsible for the major functional program, with delegated authority to program managers at Central Office, Area and Agency levels, and the tribal governments in turn would deal with the local program managers. With each Central Office and its program counterparts in the Area and Agency levels assuming the major responsibility for program and service delivery in its program areas, the roles and responsibilities of the Area Directors and the Superintendents would be diminished as they would have only limited delegated authority. Under these circumstances, the effectiveness of these officials to deal with tribal groups will have been dissipated. With program direction and funding authority in the Central Office Directors, the tribes would establish direct line to directors in the Central Office, resulting in the Director being bogged down with operational functions.

This alternative appears to be in conflict with the proposed fiscal year 1980 budget process which calls for a location budget (see Recommendation #15). Alternative three is not considered viable.

D. Alternative #4:

American Indian Policy Review Commission recommendation.

The organization structure provides that the Assistant Secretary head two clear lines of authority -- functional and administrative. The functional lines would extend from the Assistant Secretary to management units in the Central Office (Natural Resources and Human Resources) and through them to the agencies. Six regional service centers would replace the existing 10 area offices, with only common support services and technical assistance to the agencies. The centers would not be on direct line between the Central Office and the agencies in either the functional program or the administrative program. Projects constitute a third mode of operation, which would allow short-term assignments which require a cross section of talents from various levels of the organization.

PRO	CON
- Administrative line from Assistant Secretary strengthens superintendent's role	- Central Office directors become line officers in functional area
- Projects use staff already on board as needed	- Contacts with 81 agencies at Central Office level require additional staffing and funding at every level
- Functional responsibilities in only two Central Office divisions	- Duplication of skills at agencies now performed by area
	- Area role diminished
	- Difficult to reestablish communication; more confusion
	- Operations from Central office too far from delivery point

Impact:

The major impact of this alternative is the dissolution of the area structure and replacing a part of its function within six regional service centers. The center would have no line authority, but would provide only common support services and technical assistance to the agencies.

Under this alternative, some 81 line agencies would report directly to the Central Office. The Central Office staff would increase significantly, as it would become heavily involved in operational functions. The agency offices would have to duplicate some of the skills now provided from the area for all agencies, such as Tribal Government Services.

The change in role and responsibility to a service center will affect the staffing presently in the area offices. It would appear that many would be surplus to the needs of the service center role. A sizable increase in ceiling and funding would be necessary to beef up the capabilities of the line offices.

With all its ramifications, some discussed above, we do not consider this alternative viable.

E. Alternative #5:

BIA organization in functional clusters--Natural Resources, Human Resources, and Management.

This alternative would organize each level of the Bureau to reflect the primary functional clusters (i.e., Natural Resources, Human Resources and Management).

PRO	CON
- Require Bureau to examine itself & develop complete organization which facilitates mission accomplishments	- Could involve major organizational change
	- Costs to be directly affected by nature and extent of change needed
- Simplifies organization-streamlines it - with fewer gaps for problems to fall into	- Require tough decisions on activities of questionable need
- Would identify programs and activities no longer viable to mission	- Tribe loses "whipping boy" if approach provides better service delivery
- Would identify necessary changes in programs and activities	

Impact:

The functional clusters structure would facilitate the role and responsibility functions of the organization, the manager and individual employees; managerial, individual and program accountability;

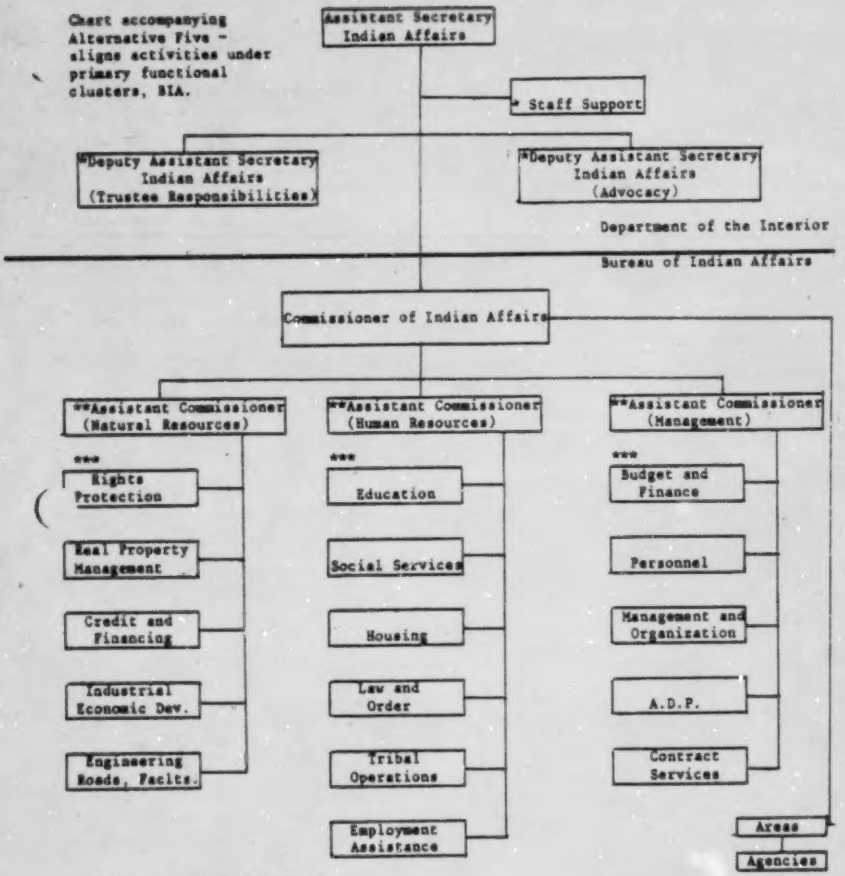
meeting the tribal needs; rendering of timely decisions; manager's ability to do the job. The organization would be simplified and streamlined and the line of communication clearly identified, as depicted in the attached organization chart (attachment #1). A major organizational change could occur and costs would be directly affected by the nature and extent of changes needed. The change will also identify the programs and activities which are no longer viable or which require changes. This alternative is viable.

IV. Recommended Alternatives:

The alternatives are ranked as follows:

First..........	Alternative Two........	Continue Present Structure
Second.........	Alternative Five.......	BIA Organization in Functional Clusters
Third..........	Alternative One........	Reorganization Task Force Recommendation
Fourth.........	Alternative Three......	Central Office Director Line Authority (Not considered to be viable)
Fifth..........	Alternative Four.......	AIPRC Recommendation (Not considered to be viable)

Chart accompanying Alternative Five - aligns activities under primary functional clusters, BIA.


Assistant Secretary Indian Affairs
* Staff Support
*Deputy Assistant Secretary Indian Affairs (Trustee Responsibilities)
*Deputy Assistant Secretary Indian Affairs (Advocacy)
Department of the Interior
Bureau of Indian Affairs
Commissioner of Indian Affairs
**Assistant Commissioner (Natural Resources)
**Assistant Commissioner (Human Resources)
**Assistant Commissioner (Management)
***
Rights Protection
Real Property Management
Credit and Financing
Industrial Economic Dev.
Engineering Roads, Faclts.
***
Education
Social Services
Housing
Law and Order
Tribal Operations
Employment Assistance
***
Budget and Finance
Personnel
Management and Organization
A.D.P.
Contract Services
Areas
Agencies

* See Recommendation No. 2

** This level of the BIA is the approximate equivalent of the present office directors

*** Not all inclusive, merely to illustrate kinds of activities which would fall under primary functional clusters.

DECISION DOCUMENT

Recommendation #8

"The present responsibilities and authority of Area Directors should be thoroughly reviewed by the Assistant Secretary and the three Deputies. New job descriptions should be written in consultation with individual Area Directors on a contractual basis, reflecting the unique aspects of the particular area. Clear performance measures should be agreed upon and should be subjected to frequent review (quarterly)."

I. Objective

To provide a means for reaching agreement and understanding between Assistant Secretary (or Commissioner of Indian Affairs*) and Area Directors regarding their respective roles, responsibilities and authorities. To establish fair objective performance measures for area directors and provide for regular review of performance. To provide area directors an understanding of the nature and extent of support and backing which the Assistant Secretary (or Commissioner of Indian Affairs) will agree to give to them in carrying out assigned roles and responsibilities and in the exercise of delegated authorities.

II. Background

The Reorganization Task Force report gives a great deal of useful background information in section 4, pages 19 and 20. It is not necessary to repeat that information here.

There are three apparent reasons for the existing situation:

1. Lack of responsibility - role definition.
2. Lack of accountability.
3. Lack of leadership from Central Office executives.

Area directors carry out a variety of roles, including that of trustee, politician, manager of programs, public relations, technical assistance to tribes, Bureau line officer, supervisor, etc. Area directors need to know what is expected of them in each of these roles. There is a need for area directors to understand and accept the responsibilities in the roles which the supervisor assigns and, conversely, the area directors need a clear expectation of the nature and extent of support and backing which the supervisor will agree to give them as they fulfill their assigned responsibilities and roles and as they exercise delegated authorities.

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*We use the reference to Commissioner of Indian Affairs to indicate that agreements/understandings should be between the area directors and their immediate supervisors. If other intermediate levels of supervision exist, understandings/agreements should be reached between each level.

Because the Central Office failed to provide effective leadership for a lengthy period of time, Area Directors' roles evolved to what they are today. In order for the Central Office to reassume effective leadership and program direction, a number of steps other than those addressed in the recommendation need to be taken. For example, Bureau manuals and guidelines have become ineffective because they are outdated and in their present condition, in many cases they could not be used by area directors as well as other levels of management with accurate and timely information needed to make sound management decisions. Steps such as these are addressed in other Reorganization Task Force recommendations. However, without those to compliment the intent of this recommendation, the objectives stated above will be difficult to accomplish.

The Reorganization Task Force recommendation states a need to prepare new job descripitions for individual Area Directors. While new descriptions may be desirable in some instances and would certainly need to be rewritten if roles and responsibilities are redefined, it should be kept in mind that the position description records the major responsibilities and duties assigned to a position, but does not provide an adequate measuring stick for assessing the quality of performance. Nor would it, except by implication, provide a listing of delegated authorities. Thus, while a position description might serve as a corner stone for an agreement, it would need to be supplemented with additional understandings and agreements as to the measures of performance and the expectation of both the supervisor and area director regarding each other's respective needs and roles. A combined approach such as this, would reflect any unique aspects of the particular area and would also meet the Reorganization Task Force's recommendation that agreement be on "contractual basis."

There are a number of possible measures of performance. The following list is not intended to be either all inclusive, or an endorsement of these measures as opposed to others which may be more suitable:

Accepting direction from above (policy)

Savings cost vs. output

Good administration

Good management of available resources (personnel, budget, materials)

Quality of services delivered

Program dollars which reach the tribes

Employee morale (Area/Agency)

Communications

Resources development

Ability to sell Central Office planners on Area needs

Performance of subordinates, superintendents (how area directors motivates and improves performance of subordinates)

Public relations

Effective redelegations of authority

Using new ideas/innovations/creativity

Tribal evaluations of Area office performance

Central Office program Directors evaluation of area office performance

III. Alternative Approaches:

Two alternatives are submitted for consideration.

A. Alternative #1:

The Reorganization Task Force recommendation, as stated. "The present responsibilities and authority of Area Directors should be written in consultation with individual Area Directors on a contractual basis, reflecting the unique aspects of the particular area. Clear performance measures should be agreed upon and should be subjected to frequent review (quarterly)."

PRO	CON
- responsibility and roles clearly defined	- states that Assistant Secretary will be providing supervision of area directors which conflicts with line authority through the Commissioner
- accountability established	- individual treatment of areas could lead to unequal roles or expectations
- established communication	- assumes the position description is the only tool needed
- provides for measurement of performance against clearly identified criteria	
- facilitates accomplishment of mission and goals by being a two way agreement	

Impact:

This alternative achieves most of the stated objectives. However, it does have a couple of drawbacks which can be easily remedied, as will be shown in Alternative two.

B. Alternative #2:

The present roles, responsibilities, and authorities of Area Directors should be thoroughly reviewed and modified as necessary by the Commissioner of Indian Affairs. Agreement and understanding should be reached between the Commissioner of Indian Affairs and individual Area Directors regarding their respective roles, responsibilities, and authorities. Clear expectations and performance standards should be agreed upon and be subject to regular, frequent review.

PRO	CON
- Pros would include all of the pros mentioned under Alternative 1, plus the following additions:	- individual treatments of areas could lead to unequal roles or expectations
- clearly establishes the supervisory role of the Commissioner of Indian Affairs over area directors	
- relieves Assistant Secretary of internal operational matters	
- avoids some controversies/problems associated with recommendation #14 (Schedule C appointments) by using tools presently available to management	

Impact:

This alternative uses the concept of a "performance contract" between the immediate supervisor (Commissioner) and the Area Director, to establish and define the roles of Area Directors and provides for clear understanding of the performance measures to be used while establishing a review process. The development of the performance contract should be facilitated by someone with skill in organizational development techniques to ensure that the agreements and understandings reached are complete, objective, reasonable, and are two-way, as opposed to one-sided agreements.

IV. Recommended Alternative

Alternative number two is recommended for implementation because it refines and improves on the original recommendation. It provides for decisions by the Commissioner of Indian Affairs regarding the roles, etc., of Area Directors. It establishes a means of ensuring that understanding and agreement are reached between immediate supervisor and subordinate concerning roles, etc.; open communication lines; establishes mutual expectations; facilitates performance against understood and agreed on standards. It relieves the Assistant Secretary of internal Bureau operations enabling him to concentrate on his Departmental role by fixing in the Commissioner of Indian Affairs the responsibility for determining the roles of and supervising the area directors. The implementation of this recommendation would avoid some of the controversies and problems associated with recommendation #14.

DECISION DOCUMENT

Recommendation #9

The Area Office should reflect two major responsibilities to agencies:

- to furnish administrative support, supervision, evaluation/monitoring;

- to establish tribal needs and to ensure that these needs are met, either through contracting with tribes or through agency levels, and at area levels only if tribe or agency cannot meet the needs.

I. Objective

To clarify the existing relationship between area offices and agencies and to bring about a better total field operation at the local level to meet the needs of Indian people at the local level.

II. Background

The Bureau's field organization has generally had an intermediate level of authority and responsibility between the Commissioner and the Agency Superintendents and most particularly since the late 1940's when area offices were established. Since that time the relationship between area and agency offices has been one of changing roles. Initially, the area structure provided the necessary administrative support to agencies and operated only those programs which would have been uneconomical for each individual Agency to operate. In recent years agency programs have begun to operate more independent of Area Office control. Presently, some of the relationships between the two levels are strained and uneven.

Several reasons have contributed to the vacillation of roles. The Bureau has never clearly defined role relationships nor has it specified area requirements for administrative support to and supervision of the agency offices. The lack of clarity has tended to impede effective communication of problems between the two with the result that problems are often ignored until they reach serious proportions. When Area Offices do become involved in problem solving, they are viewed by many Agency staffs and tribes as interfering; when questions are raised, tension occurs. Combined with this is the inability of the Central Office to divorce itself from day-to-day program operations. Rather than set policy and program direction, the Central Office staff often attempts to solve short-range operational problems which are the responsibility of operating offices. Discretionary funds at the Central Office further complicate matters. Tribal delegations feel that they can expect to receive additional funding for "special" programs if they cultivate the "right" Central Office employees. Problems in relationships between the area and agency offices become distorted because the existing organizational hierarchy is bypassed.

Moreover, Area and Agency office performance standards and performance accountability are lacking. Past efforts to develop these through an "objectives" program have been tentative; no Bureau-wide program now exists. Failure to institutionalize such a program has caused a basic resistance by staff at all levels to the "ad hoc" approaches of managers and programs. Further, lack of basic agreement on program goals and direction fosters a mixed and uneven communications process. Variables ranging from personalities to inaccurate data bases to political motives characterize the communications process and impede program performance.

Additional problems have been created by loss of experienced staff due to high turnover rates and by poor development of managerial and technical training in the Bureau. Presently, full performance level demands are made upon inexperienced and untrained personnel. This is unfair not only to the staff but also to the Bureau's clientele because it decreases program performance capability.

The Bureau's role in needs assessment also has been traditionally unclear. This has resulted in assessments of short- and long-range needs which are of mixed quality. The lack of uniform information data bases and poor maintenance of existing data has led to varied conclusions, misunderstandings, inappropriate levels of emphasis and poorly coordinated local level program packages. The role now seems to be evolving to a needs assessment based upon enhanced tribal capability, better Federal support of tribal programs, Bureau deference to tribal willingness to make decisions, and better tribal ability to marshal resources.

Yet, tribal needs are still not being met. As a result, tribes are increasingly aware of a need for standardization of policies for the involvement of each level of the Bureau's organization in program delivery. Further, they recognize a need for effective communication systems between and among local programs, for integration of available resources, for tribal identification of goals and program objectives, and for more tribal supervision and evaluation of program delivery systems.

Existing Area-Agency relationships could be more effective if performance standards were established and if performance were measured against those standards. Presently, performance standards are primarily informal and subjective. They are based upon (1) doing what the budget justification says, (2) adjusting to current problems and demands so long as the individual doesn't stray too far from overall program objectives, (3) handling demands so as to "keep the wheels greased" as best one can, (4) answering the mail, and (5) spending the total budget allocation. If these criteria are met, performance is satisfactory. The lack of effective coordination of programs, ineffective program building, or inattention to overall tribal needs do not appear to result in unsatisfactory performance appraisals.

Mechanisms are already in place for defining and clarifying role relationships. The organizational policies of the Bureau are communicated in 5 BIAM which discusses the basic line-staff relationships between the Central Office, the Area Offices and the Agencies. These statements do not require modifications to implement this recommendation. Delegations of authority are set forth in 10 BIAM. However, the manual will have to be carefully reviewed, as will existing position descripitions which also describe role relationships. If roles are changed, both may have to be modified to effect better definition and clarity.

To complicate matters, constraints in staffing and budget levels are present. These limit program effectiveness. As appropriations increase, employment ceilings decline. Adjustments in staffing levels are difficult because of this, and the difficulty increases when funding increments are tied to specific programs such as forestry or credit.

The Reorganization Task Force became aware of this uncertainty and change, and it was concerned that Area and Agency office roles be clarified. It felt that roles should be based on the local operation of programs with direction for those programs founded upon Indian needs. Thus, it has reccommended a supporting role for Area offices with the lead role performed by the Agency and tribe. Utilizing whatever resources may be available, the need for institutionalizing these role relationships to bring about unity and order to Bureau operations is clear.

Therefore, while basic performance allows for the operation of Bureau schools, the paying of welfare grants, the leasing of land, and law and order enforcement, the Bureau has no means for measuring its progress toward meeting overall, real need. As tribes become more and more aware of this, they begin to press for more effective performance. Their involvement is uneven, however. Local tribal members are favored over other employees; demands are made upon tribal member employees resulting in possible conflict of interest or political involvement issues, and pressure is exerted against supervisory levels when they attempt to control local performance.

The basic point of the first part of the Task Force recommendation is how to make the Area/Agency relationship a more effective one. No real change in existing policy is required to implement this part of the recommendation. What will be required, however, is additional emphasis and support to make existing requirements more effective. Specifically, certain steps will be required to strengthen administrative support to program operations, to adequately supervise staff and programs, to evaluate staff and programs, and to monitor in order to track and assure performance.

Organizationally, strengthening administrative support will probably not require additional staff. We must recognize, however, that quick turn around of administrative actions is generally a thing of the past due to increasing requirments. Because of procedural and work flow requirements turn-around times in financial management, personnel, and contracting are already long. Time increases almost daily because of an emphasis on "accountability" by control agencies such as the Civil Service Commission, the U.S. Treasury, and the General Service Administration.

While more staff seems unnecessary, continued expansion of processing time will likely leave the Bureau with no alternative but to either simplify work flow processes or devote additional ceiling and funding resources to administrative activities. Procedures can be simplified and decentralized to the lowest possible level to facilitate administrative support. This would require more ceiling, budget, and skilled specialists resources which may be difficult to obtain.

Supervision of Agency programs by Area Office program staff or the Area Director is complicated by a number of variables. Existing relationships, distance between offices, travel fund limitations, and attitudes of Area, Agency and tribal officials combine to cloud or compound supervisory problems. The extent of Area supervision of Agency programs and staff should be regularly evaluated to identify strengths and weaknesses and to effect needed improvments.

However, evaluation programs are limited and tend to be more responsive to immediate problems than part of a systematic management review. In the past, evaluations of program operations rather than of managerial processes and effectiveness were stressed. Systematic evaluations of operations based on Bureau-wide guidelines and requirements are not mandatory except for a few programs. They are highly desirable in all functional and managerial areas.

The monitoring of Agency operations by Area offices is presently limited to tracking budget-related activities. No uniform standards or requirements exist for the monitoring responsibility. Monitoring is viewed as a negative activity with emphasis on heavy-handed methods and self-serving motives.

Communication systems are good in some areas and poor in others, and monitoring cannot be achieved when communication is lacking. Uniform data systems which would facilitate a Bureau-wide monitoring system are also unavailable. A management information system with ADP support is required and can be implemented only with minor changes in the existing organization.

Part 2 of the Task Force recommendation concerns the conduct of programs to meet the needs of Indian people and will require a statement of the BIA's policy regarding its role in reservation needs assessment. Specifically, such a statement should address (1) the building of a common data base; (2) maintenance of the data base; (3) decision making both in relation to long-range and short-range goals and BIA internal responsibility for decision-making; (4) BIA relationship to tribes; (5) BIA relationship to the Federal agencies; and (6) local operations of programs where possible.

Depending upon the Bureau's policy determination regarding its role in needs assessment, some organizational change may be required. If our role is limited to data gathering and maintenance, the work requirement would still call for more activity then is now being undertaken. If it extends to overall planning and the decision-making process, we may well be required to build a data and planning organization of considerable magnitude. The alternative approaches to implementing this recommendation are presented in the next section of this document as outlined below:

Part I -- Area/Agency Relationships

A. Administrative Support

250

1. Centralize all administrative activities in area offices.

2. Decentralize all administrative activities to agencies.

3. Decentralize all administrative activities to area and more authority to agencies.

B. Supervision

1. Require regular supervisory assessments of Agency performance by area functional heads and the Area Director.

2. Require extensive communication systems between areas and agencies which assure "openness" of problems, programs, strengths and weaknesses and flexibility of supervision to make change.

3. Combine 1 and 2.

C. Evaluation

1. Require a formal managerial and functional evaluation program of agencies to be conducted periodically by areas.

2. Establish evaluation teams that would conduct Area/Agency evaluations - with field involvement.

3. Require local Agency self-evaluation program in accordance with Bureau guidelines and upward reporting.

D. Monitoring

1. Establish Bureau-wide functional and managerial data, reporting and performance review systems which will permit line and program managers to assess on a timely basis, program achievement and progress.

2. Require formal assessments of program achievement and progress as a part of the Area/Agency evaluation program.

Part II -- Needs Assessment

1. Establish that BIA is independently responsible for determining needs of Indian people and for implementing locally to meet such needs in the short- and long-run.

2. Establish that the determination of the needs of Indian people is primarily a responsibility of Indian tribes and that to the extent possible the BIA will facilitate and incorporate tribal exercise of that responsibility into its programs at the local level. BIA could maintain data base.

3. Fund, in conjunction with EDA/Bureau of the Census/other Federal agencies, the design of a uniform data base and planning system for use in tribal decision-making as to Indian needs and Bureau programs and priorities.

III. Alternative Approaches

Part I - Area/Agency Relationships

A. Administrative Support

Alternative #1:

Centralize all administrative activities in Area Offices.

PRO	CON
- Eliminate Agency administrative staff	- Reduces Agency management control
- Reduce Agency processing time	- Probable Area involvement in programs would increase
- Reduce program turn around time	- Undermine Superintendent authority and local staff
- Reduce supervision/training costs	- Tribes would tend to deal direct with areas more
- Eliminate level of possible error	- Agency credibility would decline
- Permit direct program contact with Area staff specialist	- Agency reporting capability would decline
- With increase of agency administrative staff to Areas, there would be adequate staff to do most of the work	- Would fragment Agency operations
	- Local flexibility down

Alternative #2:

Decentralize all administrative activities to Agencies.

PRO	CON
- Increase Agency staff	- Decrease Central and area office staffs
- Increase local ability to do work	- Require supervisory/monitoring/training staff
- Decrease turn around time	- Require extensive reporting system that everyone can comply with
- Decrease redundancy and duplication	- Require much higher level of expertise/training
	- Tend to create total independence from supervision

Alternative #3:

Decentralize all administrative activities to Area and more authority to Agencies.

PRO	CON
- Increase Area/Agency staff	- Reduce Albuquerque and Central Office staffs
- Eliminate levels of review and processing	- Reduce Bureau-wide control
- Reduce turn around time	- Require large training outlays - particulary at Agency level
- Strike a better balance between centralized expertise levels and agency coordination of administrative services	- Permit area variations to be broader than they now are
- Permit better Agency services	- Require more complex reporting/monitoring system
- Permit quicker decisions	- Require more supervision
- Reduce administrative travel	
- Redundancy duplication	

B. Supervision

Alternative #1:

Require regular supervisory assessments of Agency performance by Area functional program heads and the Area Director.

PRO	CON
- Outside Agency evaluation	- Will be controversial
- Goes behind Agency program vested interest	- Will be viewed as Area interference
- Builds a stronger relationship between Areas and Agencies	- Will limit Agency independence of action
- Puts strengths/weaknesses on table for resolution	- Will result in stronger functional direction from areas
- Permits quicker adjustment to changes	- Additional time needed for Area involvement
- Better communication and understanding	- Additional costs
- Builds team effort	- Might be viewed negatively by tribes
- Breaks down local versus area interests	- Might require long, drawn-out adverse actions
- Better long-run decisions	
- Better training mobility of staff	
- Identify poor performance	

Alternative #2:

Require extensive communication systems between areas and agencies which assure "openness" of problems, programs, strengths and weaknesses and flexibility of supervision to make changes.

PRO	CON
- Permits extensive discussion	- Time consuming

- Requires reporting of situations and joint decision process
- Can involve tribes
- Permits staff and procedural changes
- Better understanding
- Freer flow of information
- Less threatening
- Better commitment
- Area involvement slightly increased over present

- Agreement more difficult and time consuming
- More costly
- Change can be resisted or undermined
- Political processes will be utilized rather than administrative evaluation
- Matters tend to be more public and difficult to resolve
- Tribal involvement may result in political positions without adequate information
- Will be difficult to move people

Alternative #3:

Combine alternatives one and two above.

C. Evaluation

Alternative #1:

Require a formal managerial and functional evaluation program of Agencies to be conducted periodically by Areas.

PRO

- Will identify strengths/weaknesses
- Will lead to quicker adjustments to needed changes
- Better team effort

CON

- Will be controversial
- Will be viewed as Area interference
- Stronger area influence over programs

- Better long-run coordination
- Identify needed staff changes
- Better training effort
- Less time consuming

- Limits Agency independence of action
- Role of Area staff can be costly
- Tribe may react negatively to area involvement
- Could lead to adverse actions for poor performance

Alternative #2:

Establish Central Office evaluation teams that would conduct Area/Agency evaluations with field involvement.

PRO

- Bureau-wide standard
- Central Office involvement and education
- Communicate standards of evaluation and, therefore, performance
- Build Bureau-wide team effort
- Identify Bureau-wide needs
- Bureau problems can be better identified and handled
- Bureau-wide mobility

CON

- Overlooks local variation
- Mixes Central Office roles with area roles
- Field opposition to Central Office reviews
- Central Office staff inexperienced
- Could easily be functionally weighted rather than management
- Could be viewed negatively by tribes
- Tribal involvement could be political to protect local operations/staff

Alternative #3:

Require local Agency self-evaluation program in accordance with Bureau guidelines and upward reporting.

PRO

- Permits local Agency to analyze itself
- Better employee commitment to change
- Local communication of needs upward
- Less controversial
- Less area involvement
- Normal management requirement not a separate device

CON

- Vested interest in programs and outcome
- Two heads better than one
- Too limited
- Doesn't get at relationship between areas and agencies
- Doesn't build team effort well
- Doesn't deal with hard issues
- Won't address employee performance well
- Standards will be interpreted in wide variety of ways
- Doesn't build the communication process
- Has characteristics of adversary process

D. Monitoring

Alternative #1:

Establish Bureau-wide functional and managerial data, reporting and performance review systems which will permit line and program managers to assess on a timely basis, program achievement and progress.

PRO

- Provides uniform reporting systems
- Supports communication programs

CON

- Controversial
- Reduces local independence of operation
- Time consuming

- Establishes standards of performance
- Builds better management relationship
- Permits timely decisions
- Permits faster adjustment to needed changes
- Builds performance accountability.
- Puts review on a systematic basis rather than "ad hoc"
- Reduces tension associated with reviews - seem as criticism
- Improves communications laterally and vertically
- Puts emphasis on accomplishment rather than on spending money
- Improves career management program

- Costly
- Review/development time is long
- Makes public much that was previously not - subject to criticism
- May lead to disciplinary or adverse actions
- Requires mobility program

Alternative #2:

Require formal assessments of program achievement and progress as a part of the Area/Agency evaluation program.

PRO

- Would be quicker than alternative 1 - less costly
- Still retain most benefits
- Could reduce the massiveness of the vertical reporting system

CON

- Still controversial
- Would tend to be less effective as information moves up the system
- Summary information tends to dilute data -

over simplify

- Would not be well coordinated with MIS system

PART II: — Needs Assessment

Alternative #1:

Establish that the BIA is independently responsible for determining needs of Indian people, and for developing and implementing locally to meet such needs in the short and long-run.

PRO	CON
- Clarifies BIA role	- Highly controversial
- Addresses an area which is poorly coordinated at reservation/Area level	- Reduces tribal involvement
- Develops a BIA-wide program/standards of need/adequacy decisions	- Puts entire burden of needs and meeting them upon BIA
- Identifies decision responsibility	- Ignores roles of other Federal agencies and tribes
- Makes budget decisions clearer	- Would require data base and planning program of highest order
- Builds better program base for BIA management	- Would put tribal planning and decision making in subordinate role
- Less outside interference	- Would operate against self-determination
- Could produce program increases to meet need at above the minimum level	- Would pit BIA efforts against tribal tribal efforts and lead to a breakdown of relationships

Alternative #2:

Establish that the determination of the needs of Indian people is primarily a responsibly of Indian tribes and that to the extent possible the BIA will facilitate and incorporate tribal exercise of that responsibility into its programs at the local level. BIA could maintain base.

PRO	CON
- Recognizes tribal determination	- Consultation process is longer and more uncertain
- Retains tribal option to seek additional funds	- Tribal decisions may not be clear or well documented
- Permits BIA to make judgements where tribes choose not do	- Puts most of burden on tribe which it may not want
- Facilitate reservation budget based on local needs	- Budget will get much public attention - more outside interference
- Both tribe and BIA would be saying the same thing	- Split decision making can have adverse implications
- Planning would be coordinated	- Analysis/design/conversion/maintenance of data base would require uniform program and added resources
- Common data base	
- Minimum of controversy	

Alternative #3:

Fund in conjuction with EDA the design of a uniform data base and planning system for use in tribal decision making as to Indian needs and Bureau programs and priorities.

PRO	CON
- Recognizes tribal planning/decisions	- Not all tribes have capability
- Integrates overall needs	- Tribal decisions may be on different time frame from BIA needs
- Facilitates integrated	

funding

- Common data base
- Uniform planning standards
- Bureau more responsive to tribal decisions
- Minimum of controversy
- Retains tribal option to seek other funds
- Facilitates reservation budget
- Greater flexibility
- Data base maintenance can be separated from planning and tribal decision

- BIA may not have capability to make decisions on needs
- Puts burden of tribe it may not want
- Costly
- Time consuming
- Difficult to control for timing

To summarize the impacts:

PART I: -- Administrative support - probably an increase

Supervision - probably no increase

Evaluation - build a program central guideline staff with travel ceiling/dollars in field

Monitoring - build MIS program

PART II: -- Data Base - build system:

- development costs, design - ADP
- data conversion costs
- data system maintenance costs
- planning (if this the decision)
- staffing costs
- planning system costs

IV. Recommended Alternative:

The recommendation addresses specifically two major concerns that continually arise in the management of Bureau programs in the field (1) the management relationship between Area and Agency Bureau staffs and (2) the assessment of needs of Indian people and the building of programs to meet them at the local level. These recommendations are valid and action should be initiated to implement them.

Their implementation, however, will require that a great deal of attention be given to the building of a more formal management relationship between the various levels of the Bureau. The characteristics of this approach are not new or novel. Most are now in existence in our manuals or regulations and a conscientious effort would identify what we should be doing and what we need to do to build a management structure that has the formality required to permit an understanding of program requirements, performance standards, performance measurement and the ability to build programs to meet and adjust to the needs of Indian people. There are many historical reasons why we are where we are and there are many committed to these reasons as justification for not changing anything. We believe a strong management commitment to building on what we now have toward a better management relationship can improve our programs and our performance.

With regard to some specific recommendations as to what should and can do, we suggest:

PART I: Area/Agency relationships

1. Administrative support (Alternative #3). Review all of the administrative support programs to as quickly as possible develop procedures and authority relationships which will provide the support needed at the lowest possible level.

2. Supervision (Alternative #3). Develop Bureau-wide Supervisory Assessment and Communications Guidelines by which each level of the Bureau can develop a plan for such efforts.

3. Evaluation (Alternative #1) Develop a formal evaluation program of managerial and functional program effort which can permit higher levels to assess performance - including the building of an integrated management information system.

4. Monitoring (Alternative #2). Build on-going monitoring capability into the Bureau-wide evaluation program discussed above.

PART II: Needs Assessment

1. (Alternative #2). Develop a Bureau policy which recognizes that the determination of Indian needs is primarily a responsibility of Indian tribes and review all Bureau programs for ways and means to facilitate the building of an integrated data system to facilitate tribal decision-making for input into Bureau programs.

DECISION DOCUMENT

Recommendation #10

Consideration should be given to the location of field offices; there should be a review of each Area office on a case-by-case basis to consider the need to retain or combine these offices. Particular consideration should be given to:

1. Moving the Juneau Area Office to Anchorage.

2. Consolidating the Muskogee and Anadarko Area Offices and locating in Oklahoma City.

I. Objective

To study the location and function of BIA field offices especially Area and "satellite" or decentralized Central Office locations in an effort to determine if they are fulfilling their roles and responsibilities in assisting and servicing Indian tribes in a timely and efficient manner. To ascertain the mode of study or review to be utilized in making such a determination.

II. Background

The present locations of most Area offices were established in the early 1950's. During this period of time the infamous "Termination Policy" was instituted and area offices were created in their present locations so that it could be more expeditiously implemented. Since the eventual demise of that particular policy, other "technical assistance" offices have emerged without clarification of roles or relationships to existing Area offices (e.g., Indian Technical Assistance Center, Title Plants, etc.).

Many other problems presently exist in Area offices where staffing patterns are not based on highly specialized technical assistance requirements. Some offices, particularly the so called "satellite offices", because of shifts in tribal demands or changing requirements have become outmoded and future existence appears unnecessary. Previously, the Administration has made half-hearted attempts to solve these organizational problems through relocating or consolidating area offices. This was particularly evident in 1961, where a move was made to combine the Muskogee and Anadarko offices. Political and tribal pressures eventually forced dropping of the plan.

The Task Force recommends that a review be initiated of field offices in general - several area offices in particular - with strong consideration for relocation and/or consolidation. However, Assistant Secretary Gerard feels this may pose a significant problem. In his remark before the Task Force on February 15, 1978, he stated: "Regarding this intermediate level, I feel strongly that there is no need whatsoever to complicate the situation further by proposing any changes in the present geographical locations. Such changes would simply raise many political and tribal conflicts, and would result in all the far more important changes needed going by the way side." The important changes the Assistant Secretary is alluding to in his statement could best be addressed through a re-examination of the roles, functions and relationships of and between area offices. There are numerous reasons prompting such a re-examination. They are listed as follows:

1. To clarify basic organizational roles and relationship.
2. To reduce inefficient staff.
3. To avoid unnecessary duplication.
4. To draw closer to our Indian clientele.
5. To draw closer to other Federal and State agencies.
6. To save costs in time and travel.

III. Alternative Approaches

As previously mentioned, the Task Force recommended a study or review for each Area office. We view our role as presenting options relating to how such a constructive review may be accomplished.

We suggest that a review of Area offices and special field installations could best be approached by considering three sets of variables: method, scope and depth. Each of the variables will consist of several variations (method-three, scope-three, and depth-two). A recommended alternative or option would be achieved by combining one variation from each of the three variable groupings. Thus, by mixing the eight variations there would be a total of twenty-four possible combinations or alternatives. In our conclusion we select out of the twenty-four possible combinations, a recommended alternative which we feel consolidates the more desirable and feasible variations from each of the three variable groupings.

In the following pages we will discuss in detail each variation. Discussion includes pro's and con's, plus, the impact a variation would have if utilized.

1. Method

Variation 1-A: "In-House Method"

A review conducted through an "In-House" method would consist of personnel from within the Bureau such as: management review teams, task forces, Management Research and Evaluation, etc.

PRO	CON
- Costs are lower	- Will divert staff from ongoing operational activities
- Time element shorter	- Preconceived notions
- Bureau morale increases	- Top management if uninvolved may be less committed to end product
- Greater understanding of BIA background and specific problems	- May be viewed by outsiders as self-serving
- Quicker and more effective implementation because of Bureau personnel involvement	

Impact:

Variation 1-A would have the BIA essentially performing a review of its own Area offices. Using "In-House" expertise tends to raise morale and lower the cost and time factors. A draw back could be the tendency of the "In-House" review team to analyze and thus draw their conclusions in a subjective manner. The results of such a review, though subjective in nature, would provide a better insight into Bureau operational activities and relationships.

Having a review team staffed totally with BIA personnel opens lines of communication between team members and interviewed staff. Lines which would otherwise remain closed if the review were to be conducted by an outside source.

Preconceived notions by review team members could be an additional stumbling block. It is plausible that team members who have BIA background and experiences may exhibit unconscious personal biases towards Bureau programs and Bureau personnel. Each member may also want to protect his or her interest or "turf". We feel, however, the opposite effect will take place. There will be a concerted effort by all members to seek out and solve significant problems whether within one's territory or not. Finally, if BIA top management is not involved or included in such a review team then they may not be committed to implementing suggested team recommendations.

We view this variable as viable.

Variation 1-B: "Out-of-House Method"

An "Out-of-House" method of review would be instituted and conducted by people from outside the Bureau such as private consultants, external task forces, tribes, or other Federal agencies.

PRO	CON
- More objective, therefore, more creditable	- More costly
- Use of special skills and expertise	- Less insight into BIA operation
- Quick results	- Less rapport with employees
- Will not divert the Bureau staff from daily operations	- Superficial
- Application of contemporary management theories	

Impact:

The "Out-of-House" team approach should offer a totally objective review. Special skills in analyzing management would be available. However, Bureau insight through background and experience would be lacking. This method would also prove to be costly especially if a private consultant is employed. Any external evaluation team would be unable to effectively communicate with Bureau employees. Interviewed BIA employees would tend to be uncomfortable and apprehensive when confronted with questions from unfamilar review team members and would probably fail to respond candidly. Ultimately, the end product of such a review would result in an overall cursory study of the problems of area offices rather than a useful or workable solution. An advantage Of such a review would be that Bureau staff would not be totally diverted from daily operations as it would have been if its top managers or technicans were included on the review team.

We generally feel that this method is viable although not highly desirable.

Variation 1-C: "Blending In-House and Out-of-House Methods"

This method of review or study proposes to blend or consolidate the better elements of the "In-House" review with those of the "Out-of-House" review, thus, creating a composite team.

PRO	CON
- Expertise of a consultant with knowledge of BIA programs	- Cost more than 1-A
- Savings in cost and time	- Takes more time than 1-A
- BIA control in terms of objectives and results	- Will divert a position of BIA staff

- Commitment through BIA participation
- Interchange of ideas and knowledge between "outside" and "inside" members will stimulate creative thought.

Impact:

Of the three variations in "methods", the combination review team of BIA personnel and outside consultants would be more viable in obtaining desired results.

We consolidated the more favorable aspects of the two previous methods thereby eliminating nearly all major objections. Knowledge, skills and improved lines of communication with BIA staff would result in a higher quality product. As opposed to variation 1-B, the elements of cost and time would be substantially reduced. However, such a reduction would not equal that of variation 1-A. Though there is a combined membership, BIA would be able to control the objectives and results. This, however, would not be the case as in variation 1-B, where the review team could reach an unworkable solution. Still another advantage would be the combination of members from within and outside the Bureau increases the possibility of creativity because of dissimilarity in views and backgrounds. This would eventually lead to more constructive solutions.

A disadvantage to such a review would be the diversion of possible key Bureau staff. However, this team would not require as many BIA members as in variation 1-A.

2. Scope:

The second set of variables to be considered involves focusing on the general scope of review. Scope would encompass the range of Bureau offices to be reviewed.

Variation 2-A: "Area Office Plus Decentralized Central Office Locations"

The dimension of such a review would include all twelve area offices in addition to numerous Washington "satellite" or decentralized Central Office locations.

PRO	CON
- Less costly	- Will only concentrate on a part of BIA
- Less disruptive	- Does not address some existing problems
- Quick	

- More thorough	- Any benefit derived would be neutralized if other management problems are not resolved first
- Will not preclude further review at later date	

Impact:

The scope of such a review would be limited to only several office structures within the BIA. This particular review would not focus on the entire BIA field organization; therefore, various special problem offices such as multi-tribal agencies, off-reservation boarding schools, field employment assistance offices would not be addressed. However, this would not prohibit a study of such offices in the future. Because of the narrowness of scope, the locations studied would be analyzed more thoroughly than if a review were to be conducted on the entire BIA organization. Additionally, narrowness of scope will also limit the elements of cost and time.

A particular handicap of such a review would be that any constructive result achieved would be effectively neutralized if managerial problems are not resolved first. These problems would involve roles and responsibilities of the various functions within the offices studied.

Variation 2-B: "Total BIA Location Review"

The scope of Variation 2-B would encompass all BIA offices Central, area and agency, plus, any miscellaneous field and "satellite" installations.

PRO	CON
- Will provide a complete integrated study of all BIA field locations	- More costly than Alternative 2-A
- Will provide an extensive review of existing problems	- More time consuming than 2-A
	- Will be disruptive to BIA daily operations
	- Notoriety will lead to political interference
	- May lack depth because of broadness of scope
	- The review may not be justified

Impact:

The scope of this variation would incorporate the entire Bureau organization. All Bureau offices and specially structured agencies would be addressed at least in a general manner. It is unsure whether time and cost constraints would allow a total in-depth study. The danger in a review of this magnitude would be the attention received from both the public and private sectors. Such notoriety increases the possibility of outside political forces influencing the outcome of the end product. This review would meet the many special existing problems which Variation 2-A failed to address (multi-tribal agencies, etc.). An apparent drawback could be the disruption of daily operations at all Bureau levels.

We are unsure of this variation's viability although it remains certainly justifiable.

Variation 2-C: "Area and Central Office Directors and Tribes Will Identify Specific/Potential Problems for Study"

The scope would focus only on specific problem areas or offices within the Bureau organization which areas and Central Office directors and tribal leaders would identify as needing study.

PRO	CON
- Less cost and time than variation 2-B	- May miss some problems
- Bureau managers would be committed if involved in identifying problems	

Impact:

A review team whose scope of study consists of special offices selected by BIA and tribal staff, would tend to expend less money and time than a review team which intends to cover the entire Bureau. Disruption of Bureau offices would also be held to a minimum because the scope is very limited.

By having the Area and Central Office Directors identifying "problem offices", several significant Bureau offices which need immediate attention might be overlooked. This particular review team would be unable to conduct a true management review simply because the Bureau does not presently have enough qualified experienced management analysts.

Assuming various top Bureau managers become actively involved in seeking and identifying "problem offices", it appears likely that any recommendations by such a team would have their concurrence and support for immediate implementation.

3. Depth:

The third set of variations to be considered when formulating a review of BIA field offices would be depth of analysis.

Variation 3-A: "Location Only"

In this particular variation the review team would focus primarily on the geographic location of offices.

PRO	CON
- Less time and cost	- Overlooks functional responsibility and role of office studied
- Will locate short range problems	- Overlooks communication

Impact:

A "location only" study would offer a very quick, easy and an inexpensive review. The depth in this case would be limited to addressing only superficial problems. This cursory review of field office organizations would surface several short range or obvious problems within internal BIA office structure such as, transportation, office space, and facilities. The lack of depth, however, would cause the review team to miss many crucial areas of study. Functions, roles, and communication would be specific aspects within the offices studied that would not receive adequate attention.

We see this alternative as viable but not highly desirable.

Variation 3-B: "Responsibilities and Roles as Well as Location"

The depth of this study or review would involve analyzing geographic sites as well as the functional responsibility and roles of field offices.

PRO	CON
- Addresses reasons for an office	- Costly
- Addresses relationships between all BIA offices	- Time consuming
- Addresses necessity and performance issues	- Employee rejection because of threat to job security
- Would permit a meaningful consultation	

Impact:

This particular review or study would offer greater depth than Variation 3-A. By adding functional responsibility and role of the offices to be reviewed to the location factor premised in Variation 3-A, we gain superior insight into the reasons for establishment and existing interrelationships of field offices.

This review proves to be more costly and time consuming than Variation 3-A because of the extensive depth.

Consultation between the team members and BIA employees would be both meaningful and beneficial to both parties.

Lastly, there is a possibility that BIA employees would view such a review as a direct threat to their existing jobs. It would be up to the team members to allay such fears.

We are of the opinion that this variation is both viable and desirable.

IV. Recommended Alternatives

As mentioned before, our suggested recommendations for an exclusive review team to re-examine BIA offices would be achieved by consolidating one variation from each of the three variables (method, scope and depth).

We have ranked the variations within each variable in the order we determined as the most desirable and viable (number "1" will signify our top choice in each category, number "2" our second choice, etc.).

Our ranking went as follows:

METHOD	"Blend of 'In-House' and 'Out-of-House'"	- 1
	"In-House"	- 2
	"Out-of-House"	- 3
SCOPE	"Special Problems"	- 1
	"Area and Decentralized Central Offices"	- 2
	"Total BIA"	- 3
DEPTH	"Responsibilities, Roles and Location"	- 1
	"Location only"	- 2

In studying and analyzing various recommended alternatives (or combinations of variations) it is apparent that certain combinations will produce either a higher or lower quality product. Some will be more or less expensive and time consuming than others. Still other combinations or alternatives would offer greater skills, knowledge and experience than others. Through a similar ranking process, as was done with the variations, we selected five alternatives for your consideration as to which would be more superior or viable.

Our suggested recommended alternatives would be the following (listed in our order of desirability).

1. **First Alternative**:

   Method - "Blend of In-House and Out-of-House"

   Scope - "Special Problems"

   Depth - "Responsibilities, Roles and Location"

This is our top selection for the most viable recommended alternative. Such a review would be moderately expensive and time consuming. It would provide the maximum amount of skills, knowledge and background experience. Extensive depth would be an additional advantage to such a study. If "Location Only" were used instead then the validity of any product could be substantially reduced.

2. **Second Alternative**:

   Method - "In-House"

   Scope - "Special Problems"

   Depth - "Responsibility, Roles and Location"

Our second choice for an alternative would have similar scope and depth variations as did our first choice. However, in this instance, we selected an "In-House" review team. This limits the range of background experience, knowledge, etc. yet costs and time remain substantially low.

3. **Third Alternative**:

   Method - "Out-of-House"

   Scope - "Special Problems"

   Depth - "Responsibilities, Roles and Location"

Again, scope and depth remain the same as Alternatives 1 and 2. An "Out-of-House" method would boost costs and time consumption to the maximum. However, it will have an advantage of an almost entirely objective review.

4. **Fourth Alternative**:

   Method - "Blend of In-House and Out-of-House"

- Will concentrate on specific problems	- We do not have an analysis staff
- Less disruption than other variations under scope	

Scope - "Area Offices and Decentralized Central Office"

Depth - " Responsibilities, Roles and Location"

In the fourth alternative, depth, again remains as "Responsibilities, Roles and Location." A combined review team enhances such a study by blending the skills, knowledge and experience in the BIA with those from outside the BIA. With a scope of "Area Offices and Decentralized Central Offices", time and cost factors would actually increase and tend to remain higher than in Alternative 1. This is primarily due to the broadness of such a scope as opposed to Alternative #1 which has a scope limited to only "Special Problem" offices.

5. Fifth Alternative:

Method - "In-House"

Scope - "Area Office and Decentralized Central Office"

Depth - "Responsibilities, Roles and Location"

For our fifth and final recommended alternative we selected an "In-House team which tends to keep costs and time relatively low and gives additional background knowledge through BIA-experience. Scope would be identical to Alternative #4 which might boost cost and time to some extent. Depth remains as in the other alternative, "Responsibilities, Roles and Location". This allows the team to study necessity and performance issues within each geographic site.

DECISION DOCUMENT

Recommendation #11.

Top management should institute a system of positive incentives including, but not limited to, monitoring promotion and rotation policies to enhance performance effectiveness, advancement opportunities and general management versatility within Federal Government of executives on all levels of BIA operation.

I. Objective

To enhance the performance effectiveness and management versatility of BIA managers, through the use of incentives.

II. Background

Bureau management is generally regarded as ineffective. Indian preference, coupled with uncertain leadership and an absence of a coordinated effort to improve management skills, has contributed greatly to low morale and a low level of effectiveness.

We believe the Reorganization Task Force correctly perceived managerial ineffectiveness, lack of advancement opportunities and lack of management versatility as major problems in the Bureau. Management performance should be improved and versatility of managers should be increased. However, those goals are not necessarily reached through instituting a new system of industry-related incentives. The existing system of incentives provides management with considerable flexibility. Moreover, many of the Task Force recommendations for making improvements in over-all Bureau management would result in an improved management climate, a fairer system of awards and rewards for work done, and greater career challenges. We consider those to be the most basic of incentives.

III. Alternative Approaches

We considered seven approaches for achieving the objective of Recommendation 11.

1. To utilize present system of incentives. (See IV below)

2. To institute new incentives (industry related). This alternative was suggested by the American Indian Policy Review Commission Report. We felt that this was not feasible for two reasons: (a) implementation of such incentives would require new legislation, or Civil Service sanction, and (b) improvement in the Bureau's overall management would yield the desired result.

3. To institute mandatory rotation.

4. To institute mandatory training.

We strongly feel that rotation and career development training are useful for improving management versatility, effectiveness and satisfaction (and have in fact, recommended their utilization elsewhere), but making them mandatory reduces their usefulness as incentives.

5. To institute the Personnel Management Improvement Plan. (Recommendation 21)

6. To institute Recommendation 12.

7. To institute Recommendation 14.

In regard to Alternatives 5-7, we believe that significant contributions toward achievement of this objective can be realized through implementation of our recommendations for Task Force Recommendations 12, 14 and 21. Since those items stand on their own, we are not recommending them as the primary means for implementing this Task Force Recommendation.

IV. Recommended Alternative:

We believe the objective of Recommendation 11 can best be achieved by utilizing the existing system of incentives (alternative #1), and that is our recommendation. Thoughtful use of awards and even informal acts of recognition can improve morale and raise motivation. The action plan provides for a series of line action steps to educate managers about the present system and to encourage its use.

DECISION DOCUMENT

Recommendation #12

The BIA should create a management development program to provide opportunities for all intermediate and senior management and professional staff to gain new experiences and acquire new skills, thus preparing themselves for promotion to higher levels of responsibility within the BIA, the Department of the Interior, or other agencies of the Federal Government.

I. Objective

To prepare managerial and professional staff in the Bureau of Indian Affairs for increasing responsibility through focused efforts and a systematic approach.

II. Background

Recent studies of the Bureau and its management problems reflect that there is a crucial need for planned and systematic development of candidates for and incumbents of management positions. To date, training of Bureau managers has consisted almost exclusively of participation in Civil Service Commission and university courses selected with little regard for specific individual training needs or job requirements. Bureau efforts have been sporadic, scattered and generally lacking in support from top management. (The possible exception is the Management Training Institute (M.T.I.) which flourished briefly in the early 1970s until it was cancelled.)

The low priority accorded training in general, and management development and training in particular, reflects a lack of perception of staff as human resources. What is needed is a clear and highly visible commitment to the development of human resources in the Bureau. It is in this context that management development can be viewed in proper perspective.

III. Alternative Approaches:

Alternative #1:

To establish a bureau-wide management development program within the framework of a total human resources development effort.

1/ Memo of February 8, 1978 from Assistant Secretary - Indian Affairs to Sacramento Area Director.

PRO	CON
- Focuses responsibility	- Costly
- Provides on-going source of managers	- Requires additional staff
- Raises skill levels of current managers	
- Improves image of BIA	
- Responds to recent evaluations	
- Will be tailor-made to Bureau needs	
- Demonstrates high level of management commitment	

Impact

Successful implementation of this alternative requires the highest level of commitment from the Assistant Secretary in funding, staffing and personal attention maintained over an extended time period. Clear, positive results of the entire human resources development thrust can be measured only over a long period of time and may be difficult to separate from results obtained from other necessary management actions. However, adoption of this alternative will demonstrate commitment to fundamental and long-lasting improvement of management in the Bureau. It will also demonstrate a positive commitment to the intent of Indian preference. Such an action would improve employee morale and enhance Bureau credibility in the eyes of the Indian community.

Alternative #2:

To develop a Management Development Program for targeted groups of present BIA managers (Area Directors, Assistant Area Directors, Superintendents, Central Office Directors, and Central Office Division Chiefs).

PRO	CON
- Assures competence of "core" managers	- Only deals with part of the problem
- Simplifies the program development	- Doesn't fully address future needs

- Permits focused efforts	- Treats management training in a vacuum rather than in total HRD context

Impact:

Successful implementation of this alternative will focus attention and resources on the skill levels of incumbents in key managerial jobs in Washington and the field. Dissipation of effort and resources will be minimized since not all jobs will be targeted. Job analysis will be easier since fewer positions will be analyzed.

Alternative #3:

To better utilize existing Management Development/Training Program(s) of other Agencies.

PRO	CON
- Minimal staff required	- May require interagency agreement(s)
- Minimal cost	- Non-focused effort
- No program development	- Won't meet Bureau-specific needs
	- Not responsive to recent PME's
	- No evidence of commitment of top management

Impact:

Since this alternative would only minimally change present practices, it will have little positive impact on Bureau employees or the Indian community. Lack of evidence of a strong commitment to management improvement would hurt the Bureau in its efforts to attract and retain Indian talent.

Alternative #4:

To utilize the existing Departmental Manager Development Program (DMDP), with some modification, as the primary vehicle for management development in the Bureau.

PRO	CON
- Minimal staff effort	- Probably not adequate by itself
- Moderate additional cost	
- Moderate program development	- Minimal evidence of top management commitment
- Minimal impact on travel	

Impact:

Utilization of an existing program as the primary vehicle for management training/development would not evidence as strong a commitment from the top as many evaluators of the Bureau feel is necessary to accomplish the necessary upgrading of skills. Current perceptions of the program are mixed. Negative feelings toward the program would have to be countered if it were to become useful and viable.

IV. Recommended Alternative

We recommend alternative Number One be selected for implementation.* Nothing short of a major all-inclusive treatment will be effective in remedying the Bureau's ills. Rather than viewing training as a "course" to complete, managers and potential managers should come to view it as an on-going continuous process. Focusing responsibility for training at a higher level than at present will permit it to tap Bureau resources more effectively and will demonstrate the priority which top management places on human resources development. The comprehensive nature of Alternative #1 will remove any question of fadism.

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*(This is consistent with the information presented by Area Director Finale and task force members in their Executive and Managerial Training package submitted to the Assistant Secretary on May 12, 1978.)

DECISION DOCUMENT

Recommendation #13

The Secretary of Interior could periodically state publicly his support and his own dedication to the principles of Indian-self determination and on-going trust responsibility, to provide credibility to the determination on the Department of the Interior to make the most of the capacities of the BIA.

I. Objective

Identify a responsible office to insure advocacy of the Indian position in order to enlist positive support from the Secretary of Interior to alleviate misunderstanding and misconceptions by the general public toward Indian rights; invite more careful reflection of Indian issues and concerns with in the media; help ease the impact of anti-Indian sentiments; and, assist in establishing and clarifying the status of the government-to-government relationship.

II. Background

While the Bureau of Indian Affairs is the primary administrator and the most visible agent of the Government's trust responsibility to Indian Tribes and Alaska Natives, the Department of Interior, the parent agency of the Bureau, is the ultimate advocate for the sovereignty and rights of the tribes and sustains the final liability.

The preceeding is a point of clarification not readily apparent to the Federal establishment and the general public resulting in a lack of visible support and endorsement on behalf of the tribes of the Federal Government. This lack of acknowledgement has weakened and hampered the role tribes should be playing in the cooperative development of their reservation environments with neighboring communities, towns and respective States.

Recommendation 13 simply seeks to correct this absence of visible support from the top level of the Department of Interior and to make conspicuous the alliance and inter-relationship between the Bureau and the Department.

The American Indian Policy Review Commission Report did not specifically delineate the Interior Secretary's communication responsibilities. But, it is implied within the trust framework that the Secretary does have a duty to clarify and demonstrate his advocacy of the trust relationship.

In the last decade, Rogers Morton was the last Secretary of Interior to formally meet with tribal leaders in a specially arranged format.

The basic intent of this objective is to find an approach to the Secretary that would publicly advance the alliance between the Federal government and Indian tribes.

The identification of a responsible office to insure advocacy of the Indian position would make sure trust responsibility is upheld by the Secretary by means of: Speeches, news conferences, issue papers, congressional testimony and dialogue shows on both radio and TV. It would also provide for the establishment and maintenance of a cordial and active relationship with the Secretariat and other Bureaus within the Department. Full time attention to BIA-Departmental policies impacting BIA trust and advocacy positions would eliminate possible surprises, fire fighting and embarrassments.

The responsible office would monitor and inventory upcoming speeches by the Secretary of Interior with the intent that appropriate language be inserted in those speeches specifying areas of Indian concern i.e. water rights, energy development, etc. The Secretary's trips and media schedule would be assessed for determining appropriate occasions for Secretarial briefings about specific Indian issues. The responsible office would coordinate and alert both Departments to the possibility of an Indian rights insertion and oversee the media effort. It would be the duty of this office to begin a sensitization program for the Secretariat that would, on a continuing basis, provide an opportunity for the Secretary to become more aware of the Indian relationship in a positive aspect as opposed to the reactionary and crisis-ridden exposure that greets him now. This might take the form of an open-house forum with the Indian Desks in Washington, an invitation to speak at a national Indian meeting or even an invitation to participate in large Indian festivals...any number of imaginative approaches that would bring the Secretary in touch with Indian people and secure a more positive image and understanding of Indian Affairs.

In short, a vehicle is needed to promote and make aware the positive contributions Indian people have made and continue to make thereby neutralizing the apathetic and retaliatory attitudes within society.

III. Alternative Approaches

Alternative #1.

Request, identify and establish Departmental responsible office to ascertain and insure advocacy of Indian position.

PRO	CON
- Easier access to Secretary	- Possible resistence at Departmental level
- Departmental weight to initiate and executive projects	- Implementation not immediately possible

- Easier to instill Indian viewpoint into Secretarial documents	- Force additional workload for selected office
- Easier to monitor Secretary's schedule	- Need budget increase
- Easier to watch for potential conflicts and trouble spots	- Need additional ceiling
- Insures public comments on appropriate issues are: more frequent sensitive accurate	- Need orientation period. Office itself may be naive about Indian issues.
- Would facilitate better relationship between IOE & BIA	- Chance of out & out Departmental disapproval.
- Would ward off intra-departmental conflicts, policy surprises, dilemmas and possible embarrassments.	

Impact:

This alternative will insure that staff people at the Departmental level will become more sensitive and knowledgeable about Indians and the government-to-government relationship within the United States. However, it does burden the Department with another layer which further complicates the decision-making and administrative processes.

Alternative #2.

Establish a new separate office within BIA structure to liaise with DOI Secretariat to insure advocacy of Indian position.

PRO	CON
- Insures public comments about appropriate issues are: more frequent sensitive accurate	- Must establish budget & personnel ceiling
	- Layers the bureaucracy
- Would facilitate better relationship between DOI & BIA	- Difficult to position in Bureau structure because of overlapping functions

- Would ward off intra-departmental conflicts, policy surprises and possible embarrassments

(a) Intergovernmental relations or
(b) OAS or
(c) Public Information Office or
(d) Tribal Government

- Timely implementation not possible.

Impact:

A new office within the Bureau will require additional manpower, money and coordination. Acknowledgement of a new office is always difficult to effect and its identity may be slow to permeate the Department, federal agencies, press and tribes. The office itself may suffer an identity crisis until it is established in the hierarchy.

Alternative #3.

Establish additional offices in both BIA and Department to coordinate and insure advocacy of Indian position.

PRO

- Provides more jobs
- Adds Departmental support and weight to Bureau office

CON

- OMB & Departmental rejection almost certain
- Budget and personnel ceilings difficult to establish
- Duplication of effort
- Immediate implementation not possible
- Invites conflict between offices
- Need long orientation period
- Confusion of roles
- Room for slippage of functions

Impact:

No action plan is submitted for Alternative #3 as it is not a viable means for achieving the objective.

Alternative #4.

Strengthen BIA Public Information Office to insure advocacy of Indian position.

PRO	CON
- Office is established and staffed	- Office does not enjoy credible achievement record at this time
- Office already has budget upon which to build	
- Staff is familiar with Bureau programs and history, and tribes	
- Staff functions already incorporate some portions of objective	

Impact:

Added emphasis on Secretarial advocacy would give the Bureau Public Information Staff a more productive and meaningful role. Staff functions need clarification and leadership needs to be strengthened.

Comments:

The results of a conscientious effort to seek access into the management arteries of the Department of Interior will most likely be subtle and intangible at the onset. The very nature of this assignment is one of statesmanship and diplomacy but in a sense it is a beachhead in the guise of a consulate. The mission is to fortify and support the Assistant Secretary's position at the departmental level, and in a sense it would be part of a two-pronged effort.

It should be noted that the Assistant Secretary, by the significance of his position, has access to all media services at the departmental level should he choose to use them. This serves to facilitate the advocacy responsibility of his office but there is no movement within either the Department or the Bureau to accord the Secretary with the same convenience in terms of providing him with a sound foundation and knowledge of Indian affairs. Most Interior Secretaries are exposed to the idiosyncracies of the Indian Bureau and the complex grid of Indian law on a case by case crisis situation. It is not surprising that very few public statements in support of Indian policies emanate from the Office of the Secretary of Interior.

The media on the other hand, dwells on sensational, negative and embarrassing situations which negates the positive advancements in energy development, health, education and attempts to become self-sufficient. Support from the Secretary's office would have an immediate and long range effect on the image problems impacting the Indian world at this time.

IV. Recommended Alternative

Alternative #4 is recommended for implementation because the positions are already in place and benefits could be derived immediately.

DECISION DOCUMENT

Recommendation #14

Top management should have the option of appointing people in the "Schedule C" category for Area Director positions.

I. Objective

To provide the Assistant Secretary with greater control over the implementation of Bureau policy by Area Directors.

II. Background

It is widely believed by members of Congress, Tribal leaders and Indian Organizations that Area Directors have not been responsive in implementing Policy as directed by Congress and the Administration, or to Indian needs generally. Critics have also noted a lack of consistency in implementing some major policy decisions such as Indian preference and P.L. 93-638. The Assistant Secretary has said he would like to have the flexibility to appoint a "cadre of leaders committed to the policies, directions, and changes of the administration, the Department, the Bureau Leadership." Additionally, he has indicated his desire to have an increased number of "Schedule C" positions in the Bureau to include all Central Office managers and Area Directors.*

The feeling of Area Directors generally appears to be that the Central Office has been slow to provide policy direction, update manuals, evaluate and set performance standards for the Area Directors. Consequently, Area Directors feel that by being required to operate in a "vacuum," they must make decisions based on inadequate guidance or expression of policy.

III. Alternative Approaches

A. Alternative #1:

To establish Area Director positions as Schedule C.

PRO	CON
- Shared Philosophy with A/S-IA	- Possible program disruptions
- Personal loyalty to A/S-IA	- Loses Career A.D. expertise

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* Statement of Forrest Gerard to Secretary's BIA Reorganization Task Force 2-15-78

- Special expertise available as required	- Unattractive to potential candidates with career status
- Management flexibility	- Cyclical turnover
	- Politicizes position
	- Possible decrease in tribal influence
	- Strong opposition from Area Directors & Superintendents

Impact:

The effect of this action would be delayed since no Area Director position could be filled with a "Schedule C" employee until the incumbent vacated the position or was willing (and the Assistant Secretary concurred) to move from "Career" to "Schedule C."

We believe that few career employees in the Bureau would give up career status to accept "Schedule C" positions. Reclassifying Area Director positions to "Schedule C" positions would limit the advancement potential of career employees who may have served with the Bureau for many years and who have a good knowledge of Indian laws, regulations, programs and problems.

Frequent turnover in key positions could limit program momentum and create continuity problems.

Requirements for consultation with tribes would limit the Assistant Secretary's flexibility to some degree. Some tribes will see this as an invitation to go the "political route" to get things done. Others will see it as an abdication by the Federal Government of its Trust Responsibilities. They may view the Area Director as being more loyal to his boss than to his responsibilities as a Trustee.

B. Alternative #2:

To establish a rotation policy for Area Directors.

PRO	CON
- Management Flexibility	- Costly
- Distribution for strength	- Some tribal objection

- Increased responsiveness to local situations	- Employee and family hardship
- Increased flexibility	- Initial loss of effectiveness
- Enhanced career development	
- Morale improvement	

Impact:

Rotation would impact the Indian community both positively and negatively. Tribes would be reluctant to part with a valued Area Director but anxious to replace one they felt inadequate. Self-interest would result in some instances of tribes using the Area Director position as a political tool to focus their frustrations and to "test" the new man. Services and decision-making ability might suffer somewhat in the early, learning phase of reassignment. Long term benefits of versatility and increased skills should more than counterbalance those negatives.

Rotation will impact upon the Bureau's budget and travel limitations. Some moves (and locations) will be controversial with employees and/or their families. Employees may find the moves more difficult than the family.

C. Alternative #3:

To establish a rotation policy for Area Directors and Central Office Directors.

PRO	CON
- Varied field/headquarters experience	- Costly
- Management flexibility	- Some tribal objection
- Improved blend of field/headquarters policy	- Employee & family hardship
- Increased responsiveness to specific situations	- Initial loss of effectiveness
- Enhanced career development	
- Morale Improvement	

Impact:

Rotation would impact the Indian community both positively and negatively. Tribes would be reluctant to part with a valued Area Director, but anxious to replace one they felt inadquate. Self-interest would result in some instances of tribes using the Area Director position as a political tool to focus their frustrations and to "test" the new man. Services and decision-making ability might suffer somewhat in the early, learning phase of reassignment. Long term benefits of versatility and increased skills should more than counterbalance those negatives. The rotation of Central Office Directors with Area Directors would also foster development of a total Bureau perspective for managers who otherwise may become immersed in a "field" or "headquarters" view ("we" and "they" syndrome).

Rotation will impact upon the Bureau's budget and travel limitations. Some moves (and locations) will be controversial with employees and/or their families. Employees may find the moves more difficult than the family.

Assignments to high cost of living areas will result in employees effectively taking a temporary pay cut. "Culture shock" especially for those moving to Washington, D.C., will need to be softened for family members by a Bureau effort to prepare them for the traffic, school, shopping, and housing types of problems that must be dealt with. Moving expenses of $10,000 to $15,000 per move would impact heavily on travel budgets and ceilings.

D. Alternative #4:

To implement Task Force Recommendation #8 except for the contract portion (i.e. write new position descriptions, with performance standards, for Area Directors and conduct quarterly evaluations).

PRO	CON
- Can implement easily	- Evaluation system not currently in use
- Enhances communication on performance	- Performance standards not developed
- Forces meeting of minds on responsibilities	
- Clearer understanding of work relationships	

Impact:

Instituting performance standards for Area Directors would enable the Assistant Secretary to define his expectations more clearly and precisely. The employees would be better able to evaluate their own performance. Quarterly performance evaluations would also ensure timely feedback. However, as a tool for increasing the Assistant Secretary's control over policy implementation, this alternative provides only minimal impact.

E. Alternative #5:

To institute MBO at all levels of the Bureau.

PRO	CON
- Focuses and ranks priorities	- Large training effort required
- Provides consistency of operation	- Attacks problem tangentially
- Establishes evaluations as as an ongoing function	
- Establishes communication tool	

Impact:

An enormous amount of employee effort would be required to learn, apply and document a MBO system at all levels of the Bureau. The unity of effort and purpose that is a basic part of MBO could have a very positive impact on employee morale. The openness of the system and the periodicity of evaluation and updating are factors that should be favorably received by the Congress, tribes and the general public.

F. Alternative #6:

To conduct annual field hearings.

PRO	CON
- Incorporates public views for policy formulation	- Can be used to nit pick
- Enhances spirit of 93-638	- Time consuming for key people
- Provides added perspective on Area Director performance	- Possibly expensive

- Abuse for political purposes

Impact:

The use of Annual Field Hearings would have an impact on the Indian Community by providing an opportunity for their input into Bureau policy.

They would also become better informed about Bureau accomplishments.

An indirect expense to the Bureau would be incurred by having key personnel conduct the hearings. There would be expenses for training employees to conduct the hearings or for hiring someone from outside the Bureau.

G. Alternative #7:

To establish a full-time evaluation staff.

PRO	CON
- Impartial monitoring and evaluation	- Tangential effort
- Consistent System	
- Includes Tribal input	
- Evaluation is a management necessity	

Impact:

A full-time evaluation staff would enable the Assistant Secretary to monitor the implementation of his policies more closely than is possible at present. The Indian community would have the opportunity for input directly into these evaluations. The staff could assist in the establishment of performance standards.

H. Alternative #8:

To establish Ombudsman Schedule C positions in field/ Central Office.

PRO	CON
- Oversee implementation	- Costly
	- Dilutes A.D./C.O. Director's authority

- Controversial
- Inexperience

I. Alternative #9:

To establish a Public Advisory Board.

PRO	CON
- Added perspective	- Costly
- Good public relations	- Large, unwieldy
	- Difficult to make representative
	- Time consuming
	- Not action oriented

J. Alternative #10:

To improve policy development, issuance and evaluation process.

PRO	CON
- Clearer policy	- Tangential effort. Gradual, effect, slow
	- Not fully responsive to objective

IV. Recommended Alternative

Team #3 believes Alternative #3 provides the most direct method for achieving the objective of Recommendation #14. However, its usefulness is enhanced by and to a considerable degree, is dependent upon vigorous implementation of the Reorganization Task Force Recommendation #8 (our alternative #4) and we urge the Assistant Secretary to implement Recommendation #8. Moreover, we found two additional alternative approaches to have merit in furthering the objectives of greater responsiveness to the priorities set by the Assistant Secretary.

Both alternative #5 and alternative #7 constitute sound management practices which we endorse. We strongly urge that considerable thought and discretion be employed in presenting and implementing the rotation policy, given the previous history of rotation in the Bureau.

Recommendation #15

"The budget system should be redesigned so that it is soundly based on needs determined at the reservation or local level, with a variety of funding sources effectively integrated to meet those needs."

I. Objective

To formulate a budget system which reflects the needs of the Indian tribes with direct and collective input from them, designed so as to permit adjustments by the tribes at the time funds become available for obligation or expenditure; to provide training and technical assistance as is needed by the tribes in assuming full responsibility for this leadership role; to assist the tribes with integrated budgets which will reflect available funds from all sources, as well as identifying the real costs of carrying out programs.

II. Background

Before any budget system can be truly successful the Bureau must concern itself with "Needs Assessments." [illegible] the last 20 to 25 years the Bureau has not had an effective system for developing nationwide demographic/economic data. The tribes need a demographic data bank on which to make well informed decisions and determine priorities.

Demographic data have been collected on a piece-meal basis for certain programs but never as a nationwide demographic and economic data base with data available for Bureauwide tribe/reservation use.

Such a data bank would provide "total" information to tribes; to Bureau and Departmental officials; and to Congress for use in short and long range program planning, tribal planning, budget estimates and justifications.

Tribes are aware of their needs. These data will assist them in assessing which needs are the most immediate and which may be for future planning. This data bank could be the difference between minimum and adequate funding and a workable solution to integrating funds from all sources.

In prior years the Bureau's budget has been a functional one. Funds were appropriated for a specific function and the Bureau was held accountable by function. It was difficult, if not impossible, to obtain specific data by tribes.

Beginning with F.Y. 1970 tribes became involved with the budget process by means of the band analysis. They were encouraged to participate in setting program priorities at constrained funding levels.

Subject to approval by the Department, OMB and both houses of Congress, the Bureau's F.Y. 1980 budget will be changing from a functional to a location one. The basic idea of the change in structure is to align the budget on a problem basis rather than a functional one. Responsibility for budgeting of annual operations at the tribe/Agency level will be on a government-to-government basis so that the tribes can make budget decisions that directly affect the welfare of their members.

III. Alternative Approaches

A. Needs Assessment

1. The Bureau should develop a nationwide demographic and economic data base with data available for tribe/reservation level decisions. Each tribe will have access to its own data but not to that of other tribes.

B. Budget and Fund Integration

1. Allow the F.Y. 1980 location budget system to take effect - no additional change recommended at this time with regard to budget system.

2. Seek to integrate all Federal program funding (EDA, LEAA, etc.) related to Indians in order to bring a results oriented approach to Bureau funding.

3. Tribes integrate funds from all sources at Agency/reservation level on a project basis to insure a results oriented approach.

4. Develop Bureau policy on integration of funding for Indian programs -- should encompass C.O., Area, Agency, tribal roles.

A. Alternative #A-1:

The Bureau should develop a nationwide demographic and economic data base with data available for tribe/reservation level decisions. Each tribe will have access to its own data but not to that of other tribes.

PRO	CON
- Would give "total" information base for program planning, tribal planning, budget preparation, etc.	- Expensive
- Would give statistical data for justifying program support from other government agencies, would assist in integrating budget	- May be difficult to gain acceptance by Indians unless tribal government stresses the need
- Assist tribes in setting priorities and observing results of decisions	- Data needs to be updated regularly or it becomes less useful over a period of time -- this would require a commitment to an ongoing data collection program

- Would give reliable data for population based program
- Aid credibility of data presented by BIA to Congress

- BIA does not presently have demographic/economic/statistical skills to carry this out

Impact:

The Bureau has made many and varied approaches in its attempts to understand and to meet tribal needs. Needs have been interpreted always as having a dollar value. Perhaps we need to look deeper to understand the unrest, the dissatisfaction with "the system."

Why does the Bureau now find it so difficult to recruit Indians with degrees in forestry? Could this need have been foreseen? Yes, if demographic/economic data had been gathered and kept current.

The tribes need to have demographic/economic data and to understand how to use these data in setting priorities on their needs, and in fully utilizing their natural and human resources. What is the educational level of the tribe/reservation? If it is low, what kind of schools are needed? If they have schools, why are the students not attending?

What is the average income of Indian families as compared to National averages? Does the wage earner have enough education? Are trade schools needed? Are the children being forced to drop out of school to help earn a living for the family? Is the family eligible for assistance?

What are the natural resources of the tribe/reservation? What needs to be done to train Indian youth to assume responsibility in handling these resources? If private industry is to be encouraged to locate on or near the reservation, and the tribes are to realize the full potential from this venture, there must be both professionals and skilled laborers in the Indian community; are they available?

At the present time we instinctively or intuitively know what the problems are, but we lack valid statistical data to support our "conclusions." Statistical data may demonstrate that we have, heretofore, identified only part of the real problem or have been remedying the symptoms.

Once these surveys have been made and analyzed, the tribes have a base from which they can project needs and assign priorities. In future years they can check for improvements. How much has the educational level increased? What is the average income as compared to years past? What progress has been made in developing natural resources — in attracting private industry to the reservation?

B. Alternative #B-1:

Since the 1980 budget will be a location budget (subject to approval), and will permit tribes to make decisions that directly affect the welfare of their members, accept this location budget for continued study. Careful analyses should be made by the tribes through each phase of the budget formulation and its execution. No further change to the budget system will be made at this time.

PRO	CON
- Will give Congress and other reviewing offices an opportunity to consider tribal needs and priorities individually rather than on a Bureau-wide basis	- Does not integrate funds available from other sources
- Consistent with Presidential initiative of ZBB	- All funds still not available for tribal decisions
- Flexibility by tribes -- can change from original priority	- Almost total lack of prior year statistical data to assist in projecting needs
- Reflects individual tribal priorities	
- Would not require additional changes in budget system (1980)	
- Should eliminate possibility of using funds for "unwanted" programs	

Impact:

A location budget reflects greater input by tribes. It reflects needs as they see them. It should permit adjustments to current needs where unforeseen events cause a shift in priorities and should eliminate the possibility of using funds for "unwanted" programs.

C. Alternative B-2:

Seek to integrate all Federal program funding relating to Indians to bring a results oriented approach to Bureau funding.

PRO

- May result in less duplication in, and gaps between, programs
- Would have a better picture of total expenditures for Indian programs
- Would help in identifying problems and in planning priorities, particularly when matched against demographic economic data
- Tool for long range planning
- Would help to locate, anticipate, and plan for needed sources of funds
- Would help reduce "red tape"

CON

- May require legislation to resolve "turf" issues
- Long range solution -- could take years -- doesn't meet immediate needs
- Probably would result in reduction in funding availability
- Would require a standard definition of "Indian" -- may eliminate or add participants
- Eligibility criteria would result in problems with how to treat off-reservation and non-Federally-recognized Indians
- May require changes in budget authorities for several departments

Impact:

It is important that tribes be assisted in fully utilizing all sources of funding, but only at the tribe/reservation level. To bring integration to the Bureau level could cause a reduction in funds. To integrate all funds available to all Indians at the Bureau level would present a picture of total expenditures for one group of people, assuming that all these people are alike. The individual needs of differing cultures, differing geographic locations, differing economic and educational levels, differing government to government agreements would not be reflected.

The Indians cannot be treated as a single group. For instance, reservations range from 640 acres to 15 million acres; populations from one to over 150,000; education from those unable to speak English to those having PhD degrees.

In this alternative the underlying need is to create a system interwoven with tribal cultures that gathers data to reflect the real needs of the Indian people. The Indian wants the realization of his own image rather than a mirror image imposed on him by today's dominant people. He wants his real potential, his capabilities understood.

It has been said that we expect our scientists to fly in the face of the established -- to create not what is acceptable but what will become accepted. Perhaps this is what the Bureau needs to do in meeting its responsibilities to the Indian people -- to break away from the established, to create what will become acceptable for the fulfillment of the Indian people.

This alternative is not viable because it treats Indians as a single group and could result in loss of funds. Since it would require legislation and is a long range program, it would not solve immediate problems. In fact, it may not be achievable at all because of "turf" or jurisdictional issues raised.

D. Alternative #B-3:

Tribes integrate funds from all sources at agency/reservation level on a project basis to insure a results oriented approach.

PRO	CON
- Would emphasize local planning -- place tribe in leadership role	- Would require knowledge and experience on tribes' part for locating sources, working within the Federal budget process, and planning to meet total needs
- Would determine local need independent of "overhead" at C.O., Area	
- Congress would be more receptive to tribally planned funding	- Would not facilitate long range planning for Indian programs at the Bureau level -- weaken C.O. and Area Office leadership role
- Tribal role in planning will strengthen tribal accountability	
	- Could result in competition between tribes for limited resources working to the disadvantage of some tribes

Impact:

Tribes will take the initiative in seeking and qualifying for funds from all sources. An integrated fund bases will assist the tribes in establishing priorities and in the preparation of their BIA budget. By knowing what they can anticipate from other agencies, they will know what to ask for in the BIA request.

E. Alternative #B-4:

Develop Bureau policy on integration of funding for Indian programs -- should encompass C.O., area, agency, and tribal roles.

PRO	CON
- Would improve communications regarding how to integrate funding - Would define and assign roles improve accountability	- Unless the policy is properly prepared and presented, it could hurt rather than help

Impact:

Under the Self-Determination Act, the tribes are given the initiative of a leadership role. While a Bureau policy could assist in the integration of funds, it could be interpreted as usurping the leadership role we say we are giving to the tribes.

At the present time, we have legislation addressing fund integration: Joint Funding Simplification Act; Cooperative Agreement Act; Needs Assessment Bill; Amendment to 638 — Block Funding (S246).

Viable but deals with only part of issues raised; could be implemented with B-1.

IV. Team Recommendation

We recommend that a combination of Alternative A-1 and Alternative B-1 be implemented. It is important to have these combined since any budget system to be successful must be based on accurate assessments of needs and realistic priorities based on those needs.

DECISION DOCUMENT

Recommendation #16

"Funding levels for the tribal programs and tribal service delivery which are under contract to tribe or villages and to multi-tribal groups should be determined by needs, e.g. to actual functions to be performed."

I. Objective

To determine appropriate levels of funding for contracted programs through an efficient and accountable funding mechanism reflecting reservation needs as determined by suitable needs assessments and incorporating sound comprehensive planning.

II. Background

The Assistant Secretary stated earlier this year that this reorganization must, "strengthen .... the delivery of services to Indian tribes and individuals." The delivery of these services must, if they are to efficiently and appropriately alleviate the problems for which they were implemented, be based upon sound analytical planning and intrinsically tied to two primary factors: 1) accurately determined needs and 2) adequately determined funding.

In the past, the Bureau has attempted to serve the Indian people by emphasizing and funding general areas such as education, welfare, and housing to address the obvious and continuing needs which are all too prevalent. However, and the key word is "continuing" because these needs remain critical to this day, it is of the utmost importance to evaluate the mechanisms within each general area to arrive at a common and specific system which will not only address these problems, but solve them.

The realities which pressed this recommendation are best described by the perceptions elicited from the grass roots level during the public hearings held by the Task Force:

(1) Phoenix:

- "We'd rather program our budget in the lower level .... we're not serving our people the way it is now.";
- "Due to the fact that we're not getting the services that we want, ... if funds can be brought from the Area Office into our area.";
- "The only thing I can say is give us the funds. We'll work from the tribal standpoint.";
- "Millions of dollars are spent through normal and special appropriations to rehabilitate and develop the Indian resources but very little follow through is effected to guarantee subsequent proper

use and protection of the services and facilities provided.";

- "Without the control of funds to operate on my behalf, we're going to mess up the works again."

(2) Denver

- "The first is budget processes are carried on, the base line data used in the Bureau does not respond to the tribal needs as expressed by tribal government.";
- "Once established (the budget), it is hidden from the tribes or is doled out piece-meal so as to circumvent tribal knowledge of the many resources available to conduct a service or function.";
- "The bureau budget itself is nonfunctional as a management tool."

(3) Portland

- "I would like to touch briefly on the band analysis. I've been involved in band analysis process for three years .... we find after all of our efforts of hashing all through the problems of the band analysis, only to find that the Area Director still has the final say and changes it the way he wants anyway.";
- "One Area .... we feel their needs to be more stability in program support dollars. One year we have program support; the next year nothing. You really can't operate a program on those kinds of premises and expect to be effective ....";
- "The federal dollar must be delivered as close to the problem as possible with the greatest impact. Administrative costs, multi-skimming of program dollars at layer upon layer of the bureaucracy, must be reduced."

(4) Duluth

- "That the tribes participate with the BIA in the federal budget process."

(5) Oklahoma City

- "Develop and maintain a system for the continual monitoring and evaluation of federal response to Tribal needs as well as Tribal activities and initiatives in self-determination."

The manner in which budget funds are allocated and the quality of services these are intended to provide are a real concern to Indian people. Further, the BIA Reorganization Task Force recommendation originated from a variety of other factors. Presently, many funding levels from BIA and other areas locally are not adequate to operate or even maintain effective tribal programs and tribal service delivery systems. There is a lack of coordination, cooperation, and even understanding in the preparation of budgets which are supposed to reflect reservation needs by the involved parties. Multi-tribal Agencies have a difficult time separating program funds on an equitable basis. Contracted programs suffer from a lack of sufficient funds due to inflationary overcosts. Many times communities receive insufficient technical assistance in the preparation of proposals and contracts (for the Bureau this is caused, in part, by funding, ceiling, and travel restrictions). Other reasons which prompted this recommendation include: (1) The lack of uniformity in administering and implementing P.L. 93-638 and the inconsistencies in the levels of its administrative controls. (2) An absence of any standard measurements to evaluate contracted programs to see if they are successful or not. (3) The lack of accountability, improper utilization of resources, and an absence of an accessible management information sharing system. (4) The problems which arise between banded and unbanded programs. (5) Holding tribes responsible as contractors, for the quality of their programs which would only be right were it not for all of the above. The resulting poor service delivery causes increasing dissatisfactions. (6) Standard percentages for overhead rates have not been determined, e.g. rates for tribal contracts, school contracts, etc. (7) The present contract procedures and processes fragment managerial efforts to the point of counter productiveness, thus deterring any comprehensive approach toward the realization of an appropriate, effective, and adequate funding system. (8) Finally, the need to more fully develop the concept of long-range planning in the Bureau, particularly at the tribal level. To be truly effective and meaningful, comprehensive planning must have its genesis at the local level and the primary local planner must be the tribe.

However, many tribes do not have the capability necessary to produce acceptable planning documents nor do they have the financial resources necessary to hire competent planners. To accomplish this they will need outside support (e.g. self-determination grants for local tribal planning).

Working with tribes on the budget process and program plans beyond the 18-month budget process period presently being used will generate some difficulties because of the frequent turnover in tribal leaders in many tribes. Also, in some cases tribal circumstances and fortunes are subject to a variety of changes during a planning period that extends over several years. These changes may require some reordering of priorities by both the tribes and the Bureau between the time when plans are developed and entered into the budget process and the time when the funds become available for use.

Recently, efforts have been made to correct and streamline budget procedures and processes. The FY 1980 Proposed Budget Formulation Procedures (ZBB) will provide for more involvement and input by tribes at agency and area levels. This will produce location budgets, e.g. local budget formulation and distribution of funds to a location. The mechanism needs to be refined, however, to show assessed needs in a proper (local) perspective and needs to be geared towards both long-range and short-range planning which is comprehensive in scope, analysis, and accountability. Decision packages will be prepared at Agency and Area levels, and priorities will be established at each level. Additional funding has been requested for FY-79 to offset cost over-runs due to inflation and improved base line data information. Current funds have been distributed on a per capita, per mile of roads maintained, etc. basis.

There has been increased involvement by tribes in budget formulations through formal reviews and acceptance by tribal councils. With respect to the actual needs of each tribe, the Bureau has a "need column" on the band analysis forms to fully reflect the needs of each tribe even though these needs exceed the budget limitations. With existing funding as well as employment and travel ceilings, the Bureau and tribes continue to face the practical dilemma of being able to provide for only a fraction of the stated tribal needs through the BIA budget.

Other columns in the band analysis forms are used by the tribes to display their current objectives and priorities by indicating which programs are most important to them and which are of lesser importance.

To more fully support their needs and priorities, the tribes are also requested to provide a narrative statement to indicate major impacts of each band level and to indicate the general direction of program changes.

There are, however, a number of existing factors which are outside Bureau control and which that effectively limit the application of the band process. About 2/3 of the Bureau budget is theoretically uncontrollable where neither the tribes nor the Bureau has the option of assigning priorities. These funds are to be used (1) in support of trust responsibilities, (2) for past legislative mandates, (3) for "entitlement" programs such as welfare payments where spending follows claim levels, or (4) for one time, unusual or major expenses such as construction.

The band analysis system is not a budget request and it will not, by itself, produce more funds for the BIA and the Tribes. It is simply a tool by which local tribes can indicate their desires within established funding limitations. The band is used as a mechanism to involve tribes in the hard decisions which must be made in order to realize the best use of the limited funds available.

The current status of the situation, while somewhat improved, still requires a thorough redress of the funding procedures and processes to satisfactorily resolve all the issues which brought about this recommendation. It is evident that funding levels are still not sufficient to provide for the variety of programs which are vital to Indian interests and needs. Priorities, in terms of needs as well as allocations, are not adequately coordinated between the tribes and the BIA or even the various entities within each. While work has been partially completed on developing and implementing needs assessment instruments, almost nothing exists either in form or format relative to a functioning comprehensive analytical planning system. Another area still requiring special attention is the compilation and integration of all available funding sources (Bureau, tribal, federal, and other). Instead of an equitable, efficient, and appropriate system being in place to insure that there is the most effective determination and distribution of funds which is untamperable, politics still has an all too persuasive influence upon the process (political bartering, and runs by tribes, etc.). Especially during this time of fiscal unrest due to inflation and taxation (Proposition 13 advocacy is growing in the federal branches), it is essential that the Bureau's funding system be reviewed and revised to reflect the most cost-effective methods which will still meet Indian needs and produce the required results.

III. Alternative Approaches:

Alternative #1:

Needs Assessment and Comprehensive Planning.
The Task Force's recommendation calls for a determination of funding levels for tribal programs and tribal service delivery which are under contract to tribes or villages and to multi-tribal groups based upon needs and actual functions to be performed.

Before a funding level can be determined the tribe must know what its needs are and what it would take to fulfill and meet these needs. So, a needs inventory and a needs assessment which focuses on determining the difference between 'what is' and 'what ought to be' must be undertaken by the tribe with the help of the Bureau and other available resources. The needs assessment should be developed to also identify what portions can be funded by the Bureau, the Tribe, and other sources of funding. After the needs are determined, a process must be developed to tie this in with the Bureau's budget formulation process, the Tribe's own process and processes of the other funding sources. The new budget formulation process (ZBB) will provide for identification of local needs and local tribal input, a requirement for more planning, development of a more coordinated effort and most of all, distribution of funds by location (local budget).

The process enhances an overall review and continuous identification of all funding resources. This process further enhances adoption and implementation of a short range and long range comprehensive planning. The comprehensive planning would help determine what functions and types of functions will be needed by the tribe. This should be tied to a systematic analysis program to produce the desired results. It must focus on evaluating all factors in an accountability model which measures performance and output in terms of objective achievement. This process will help determine the funding levels needed at each level of tribal objectives. The above requirements can be formulated even after a program is contracted. This joint tribe - Bureau effort will strengthen the tribal goverment and may result in additional funding. This process will also require the Bureau to seek more expertise to meet its role, and to be a stronger advocate for Indian cause.

PRO

- Encourages responsibility accountability
- Fosters more cooperation, coordination and understanding between Tribe and Bureau
- Fosters a more coordinated setting of priorities
- Develop Tribal Skills and capabilities
- Provides for best use of funds with maximum returns
- Encourages short range and long range planning
- Encourages realistic approach of what can be achieved and what's required to achieve
- Fosters public acceptance from Congressional level down to lowest level of society
- Fosters training programs
- Incentive for Tribes - new professions

CON

- Takes too long - not an immediate process
- Takes many different kinds of expertise
- Increace size of technical staff would require hiring of non-Indians
- Possible disagreements on priority setting

Impact:

This alternative of requiring needs assessment and comprehensive planning encompasses the added incentive for more tribal involvement, better identification of needs, more and better planning, more cohesiveness, and possibly more funding. The tribes will gain more experience, can more readily set better priorities and perform better. If the BIA accepts its role as intended by P.L. 93-638, this alternative will result in better performance and advocacy.

This alternative will provide for more opportunities to integrate various sources of funding by Tribes.

Alternative #2:

Outright and Direct Grants in Place of Contracts. Because of contract requirements and "red tape" under P.L. 93-638, some tribes have requested outright and direct grants to take over Bureau programs. If this avenue were permitted by statute (not now permitted except to individual Indians) it would be more flexible. However, if Congress were to authorize direct grants it would require strict fiscal accountability and possibly additional constraints and requirements.

It is very unlikely that the funding levels will improve if funds are given out using the present criteria of distribution. This method will most likely become entangled in more politics.

PRO	CON
- Foster flexibility	- Requires legislation
- Less red tape	- Loss of responsibility and accountability - Grants do not replace accountability
	- No performance measures
	- Lack of checks and balances
	- Loss of Bureau expertise
	- Discourages planning
	- May result in loss of funds to Tribes
	- May not meet all parts of needs - unrelated fragments
	- Becomes more political

Impact:

Though the method will be more flexible, it is very unlikely that the levels of funding will improve and it can surely become more political at all levels. The role of BIA will in all probability change and the tribes will have to deal with Government at the national level.

Alternative #3:

Increase Funding to P.L. 93-638 Contracts. The Task Force's recommendation identifies the lack of sufficient funding to tribes under P.L. 93-638 contracts resulting in poor delivery of services, and lower quality of services. Increased funding to P.L. 93-638 contracts will help toward the improvement of services and payment for overhead costs; however, the tribes, with the help of the BIA, will need to concern themselves with needs assessment and comprehensive planning for long range purposes. In other words, added funding is only a part of what it will take to succeed under P.L. 93-638 contracts; the tribes must assume the responsibility in taking a lead role in planning, programming and utilization of the available resources. The whole concept of P.L. 93-638 and self-determination is just that.

PRO

- Improve delivery of services
- Enhances responsibility and accountability
- Fosters acceptability, experience and implementation
- Enhances growth with experience
- Fosters hiring of more expertise for special problem and needs areas

CON

- Inhibits long range planning by only increasing funding without long range planning and justification
- Congress can reduce funding
- Without long range planning and preparation, the tribe's interest in intended services can be lessened over a period of time
- Can limit evaluating or self-examination

Impact:

Increasing funding for P.L. 93-638 contracts will help improvement of services and payment for overhead costs; however, this emphasis will most likely affect other uncontracted Bureau programs with less funding or shifting of funds to contracted programs. The proposed new budget formulation process (ZBB) will partially solve shifting of funds towards contracted programs unless the formulation process is based on needs assessment and comprehensive planning.

Alternative #4:

Increase Bureau Technical Staff, e.g. planners, economists, demographers, engineers, architects, etc. The Task Force recommends determination of needs based upon actual functions to be performed.

To help and assist the tribes, the Bureau needs additional technical staff such as community planners, economists, demographers, engineers, architects, environmentalists, etc. The present status of BIA does not provide sufficient quantity of expertise needed to help and aid tribes in conducting needs assessment and comprehensive planning.

Moreover, the Bureau is unable to provide a good objective monitoring *and evaluation service. This alternative cannot stand alone. It must* supplement the intent and purposes of contracting and it would require additional funding and ceiling to the Bureau.

PRO	CON
- Increase capability of BIA	- Cannot stand along without full needs assessment and comprehensive planning
- Provide for monitoring and evaluation on timely basis	- Would possibly delay efforts by tribes to obtain own expertise
- Provide expertise to fully carry out the intent and purposes of P.L. 93-638	- Needs "selling job" to convince Congress, OMB, etc.
- Enhances quick take over of BIA programs	
- Provide more expertise at Agency level	

Impact:

Increasing the Bureau's technical staff will certainly help the Bureau's role in assisting the tribes but the present atmosphere in Congress and OMB is to hold down additional staffing. Here again this alternative is only a segment of the overall process needed to address the comprehensive approach.

IV. Recommended Alternative

The alternatives are ranked as follows:

First - Alternative No. 1 - Needs Assessment and Comprehensive Planning. This is based on the following:

1. These essential parts of contract development and implementation will result in a more objective utilization of P.L. 93-638 and a more composite approach to the use of available tools.

2. The approach will result in a more cohesive working relationship between a tribe and BIA.

3. The approach will provide for a more cohesive assessment of needs by the tribe, with the help of BIA, and more positive comprehensive planning on a short- and long-range basis.

4. The distribution of contract funds will be made on an equitable basis and with increased funding.

5. The approach should result in a better understanding and justifications for added funding.

6. Will most likely be received more favorable by the public.

Second - Alternative #4 - Increase Bureau Technical Staff, e.g. planners, economists, demographers, engineers, architects, etc.

Third - Alternative #3 - Increase funding to P.L. 93-638 Contracts.

Fourth - Alternative #2 - Outright and Direct Grants in place of contracts.

DECISION DOCUMENT

Recommendation #17

The Bureau should establish clear organizational and programmatic objectives and use them as a basis for program management and evaluation.

I. Objective

The Bureau should establish clear organizational and programmatic objectives and use them as a basis for program management and evaluation.

II. Background

The Bureau of Indian Affairs has been almost broadly universally criticized as being a poorly managed organization. In a management study of the Bureau presented in September of 1976 to the American Indian Policy Review Commission by Warren King and Associates it is stated that this is not a new phenomenon, but that Indian people have been critical of its management since the Bureau's creation more than 150 years ago. It further reports that in the past twenty five years alone more than 70 studies can be identified, nearly all of which address managerial deficiencies in one form or another.

To a major extent the Policy Review Commission itself focused on managerial problems and made numerous recommendations aimed at improving managerial capabilities within the Bureau. This report coincided with the extensive audit of Bureau personnel practices by the Civil Service Commission and an internal study of Bureau personnel management which led to the development of a series of recommendations incorporated into a Personnel Management Improvement Plan. At about the same time the above reports were being released, the Appropriation Committee of the Congress in its FY 1978 reports used exceedingly critical language concerning Bureau management which led to extensive audits by the General Accounting Office.

The above studies and reports detail in literally hundreds of pages their findings and indictments of specific aspects of Bureau managerial practices. Boiled down, it is difficult to refute the fact the Bureau has not had a managerial system, which requires that clear mission objectives and program guidelines be developed at a high level within the organization and which insists on their being followed. At the operational levels consistently set program goals and schedules for meeting them are lacking; consequently, assessment of progress toward goals is not possible.

Stated bluntly, the Bureau has lacked a disciplined system which has been functional in any of the major elements generally recognized as essential to management. There has been no formalized planning or objective setting, particularly in the area of long range policy. It is also missing for the most part in activities pertaining to organizing and staffing to meet planned goals and objectives. Lack of leadership and direction have been particularly criticized, especially in respect to essential elements of communication and coordination. Finally, the vital control functions in such areas as standard setting, performance measurement and evaluation, and program redirection have also been woefully inadequate.

What has been given hardly any attention in the literature noted above is a recognition of the numerous unique factors which highly complicate establishment of a formalized management system within the Bureau. Overlooked is the scope of Bureau programs which are virtually as varied as government itself, and the fact such services are provided from tribes scattered from Main to California and from the Florida Everglades to Artic Alaska. The literature skims over the differences in legal status, culture, language, and numerous other factors in tribes as varied as California rancherias, Alaska villages, the great Navajo nation, almost landless Oklahoma Tribes, and allotted reservations in the Great Plains. Limited attention is given to the almost constant vacillation in Indian policy by the Congress, conflicting directives given by different elements of that organization, and the lack of continuity in top Bureau management staff particularly in recent years.

Although there is much rh[illegible] concerning self-determination, much of what has been said [illegible] failed to take into consideration the new responsibilities placed on the Bureau when, for instance, one sees program contracting grow from less than $10 million to over $175 million in the span of less than a dozen years. Only slightly understood is the delicate balance required under a policy of self-determination to provide tribes the opportunity to control and administer programs created for their benefit while still fulfilling fiscal, administrative and trust requirements placed on the Bureau by the Congress.

This team fully supports the need for the Bureau to develop and implement an approach to management which encompasses the gist of this recommendation. It is intolerable for an organization having the responsibilities of this Bureau to continually operate on a crisis oriented basis, lacking the systemic and professional cohesiveness which sound management requires. However, it is also essential that there exist an appreciation of the real world in which the Bureau functions. Therefore, we have attempted in approaching this assignment to also adequately consider the unique circumstances and responsibilities associated with the programs and mission of the Bureau and assure that they are recognized in the planning of initiatives in this area.

III. Alternative Approaches

Alternative #1:

Implementation of a formalized management by objectives system Bureau-wide.

PRO	CON
- Consistency Bureau-wide	- Time consuming to initiate and implement
- Requires objective setting	- Creates excessive paperwork
- Forces annual updating	- Requires excessive training
- Requires periodic evaluation of progress	- Requires top management support continuously
- On-going process	- Stifles creativty
- Identifies roles and responsibilities	- Process becomes more important than the product
- Setting of performance standards	
- Integrate goals and objectives into the budget process	
- Stimulates creatively	
- Determines direction	

Impact:

Missions and objectives set Bureau-wide will lead to consistency in program operation, but because of increased paperwork, employee morale may suffer. The time required to implement will divert employees from on-going activities. Updating of objectives would follow change in Congressional, Administration and Tribal policies.

Key managers would be responsible and accountable to the Assistant Secretary and/or Commissioner, and would help identify problem individuals and/or programs. An estimated $320 K in travel funds would be needed the first year, which would adversely affect ability to carry out on-going programs that are under severe travel limitations.

Alternative #2:

Program heads at Central Office establish goals and objectives in consultation with Area counterparts.

PRO	CON
- Bureau-wide applicability	- Strains line-staff relationship
- More timely	- Lack of employee identification with goals and objectives and therefore lack of a commitment
- Trade offs between program heads	- Causes branchitis
- Tied to directives system	- Little if any input from Agency and tribes
- Helps in setting performance standards	
- Determines direction	

Impact:

Program heads would be required to update manuals which would be time consuming and may disrupt existing workload. The straining of line staff relationships and responsibilities would produce turf battles to counter feelings of encroachment. The establishing of goals and objectives at the Central Office level would allow for better management, and with better management there would be increased efficiency in program operations.

Alternative #3:

Use of the budget process but adding performance standards and evaluations.

PRO	CON
- Year end results	- Does not provide for short range planning
- Funding requests based on measured objectives	- Tribal leadership and employees may change by the time funding becomes available
- Budget process and objective setting is a one time effort requiring less of tribal leaders and staff time	- Limits flexibility
- Requires long range planning because budgets are prepared 18 months in advance	
- Would assist Assistant Secretary - Indian Affairs in budget hearings	
- Establish clear performance standards	

Impact:

Would assist the Assistant Secretary - Indian Affairs in explaining to Congressional committees how requested funds are being used. The budget system would become an educational process for assisting tribal leaders in setting long range goals and objectives.

Bureau planning efforts would have greater tribal input because the budget and objective setting are developed simultaneously.

By the time funds become available (about eighteen months after budget preparation) Tribal priorities may have changed because of change in the Tribal political leadership, economic conditions, or other factors. Consequently, funds may have to be reprogrammed to such an extent that Congressional approval may have to be obtained.

Alternative #4:

Emphasize the use of the Directives System to assure that basic Bureau missions and policies are established and clearly defined by top management and communicated to the field; use the Budget Process as a means of determining specific objectives at all operational levels; assure that all units at the Central and Area Office maintain a simplified but documented system whereby objectives are established and accomplishments are assessed.

PRO	CON
- Programs and units can be evaluated against set objectives	- Demands concerted effort by top management to udpate Directives
- Objective setting at all levels	- Requires continuous maintenance of Directives
- Uniformity in policy direction	- Requires separate long range planning and needs assessment
- Establishes accountability	
- Ownership of objectives	
- Minimizes paperwork and staff time	
- Annual update	
- Determines work activities	
- Integrates goals and objectives into the Budget Process	
- Would facilitate the development of performance standards	

- Strengthens development of Budget Justifications

- Does not violate line staff relationship

- Minimal additional staff and fiscal requirements

Impact:

Top managers will be required to commit their time to review and update the Directive System and to establish a monitoring capability to ensure that Directives are communicated and continuously updated on a timely basis. Updating of mission statements and policy Directives should bring about more uniformity Bureau-wide. Ensure meaningful participation in overall Bureau activities, including policy-making, program priority setting, and management activities.

IV. Recommended Alternative

We recommend alternative number four be implemented because:

1. The Directive System throughout Federal Departments and Agencies, is the accepted vehicle through which regulations are promulgated, policy is enunciated, missions are identified, and procedures are outlined. These are the documents that our clients, as well as the public turn to, in order to determine if we are carrying out our responsibilities as outlined by Congressional mandate. This is where we find our sense of purpose and our reason for being. Also, these are the documents that are so essential for fixing responsibility and holding managers accountable. The directive systems must be current for any type of meaningful fiscal audits and management evaluations. Consequently, we feel that before organizational and programmatic objectives can be determined the Directive System must be brought up-to-date. Once current, the System must be continuously maintained.

It is not enough to bring the Directive system current and transmit them to the field installations. There must be on-going efforts to communicate the content of the Directive systems to all program people, using the various means of communications that are available.

2. Recommendation number 22 of the Task Force report deals with the need to update the bureau'sd policies procedures manuals. Although we recognize that this recommendation is being addressed by Team 7, we feel that in order for our recommendation to be feasible and viable, it is essential that the MRE staff be increased by two-three mid-level staff members to work full-time with program managers to review and up-date the Directive System. In this way, Program Directors, who should be the most knowledgeable about their programs, will be responsible for the content of the Directive System. The M.R. and E. staff will provide technical assistance to the Program Directors.

3. The best time to develop more detailed organizational and programmatic goals at the operational level is at the same time the budget is being formulated. During the budget formulation process we are able to get a considerable amount of Tribal input into developing priorities and setting objectives. At that time staff and managers are involved in justifying their budget request. We can carry the process one step further and formally quantify our goals and objectives, which can later be used for program management and evaluation.

Units of the Bureau at the Area and Central Office, that are what one would term non-operational units, will also be required to maintain a simplified but documented system whereby objectives are established and documented and accomplishments can be assessed. This can be done either at the time they are developing their budgets, or as a separate process.

4. We feel that utilizing a formalized Management by Objectives approach to recommendation seventeen (17) is a duplication of effort that has already transpired in the budget formulation process at the operational level. Consequently, there would be a considerable amount of staff and Tribal leaders time saved by combining the budget and objective setting processes into one effort.

A formalized Management by Objectives process can also generate a large amount of paperwork. Combining the two processes will hold paperwork to a minimum.

5. Utilizing the budget process as the time to set goals and objectives would not require a massive training effort. Consequently, precious travel limitations will be saved.

6. Utilizing the budget process to develop goals and objectives does limit us to short term planning (the budget year). Consequently, long term needs assessment and planning capability will have to be strengthened at the Tribal/Operational level. However, this would also be a requirement under any of the other three alternatives.

DECISION DOCUMENT

Recommendation #18

The Central Office and each Area Office should be subjected to a Management Audit by the Central Office every two years.

I. Objective

The Central Office and each Area Office should be subjected to a Management Audit by the Central Office every two years.

II. Background

Commencing with Recommendation #17 of the BIA Reorganization Task Force Report, there is addressed a series of subjects pertaining to management systems and procedures. Recommendation #17 is itself quite broad in scope and in a sense covers virtually the whole gamut of management activity. Recommendation #18 and several others that follow become more specific. In fact, #18 becomes quite precise in recommending a particular kind of management audits to be conducted within specific time frames.

While recognizing the specificity of this proposal, it is evident that its genesis has a more general concern that the Bureau lacks a formal, structured evaluation system. Thus it becomes important to first consider the broader aspects of evaluation.

Evaluation is an integral part of management. In fact, management cannot and does not take place without evaluation. In any organization, including this Bureau, much if not most evaluation is an informal, subjective process, taking place largely on a subconscious basis.

Unfortunately, such a process is not adequate and leads to severe problems when it is the only process in existence in anything other than the smallest of organizations. For without a more systematized approach, too many gaps in knowledge develop concerning both program and administrative operations. This inevitably leads to inefficient performance and poor decision making and prevents managers from improving and justifying their programs.

Knowledgeable persons both within and outside the Bureau have, as indicated, known that this organization has lacked a meaningful evaluation system, particularly in recent years. Historically, evaluation in the Bureau has been left to the individual program managers and in times past some programs have used evaluation as an effective tool in improving program operations. However, it is our observation that with few exceptions even the best of such efforts have deteriorated in recent years as evaluation was given decreased support and attention by top management. It should be noted, in all fairness, that this has occurred at a time when major changes have occurred in Indian policy, and much uncertainty has existed as to the proper role of Bureau management in all phases of such activity.

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Self-determination in particular has raised questions for many Bureau managers whose traditional approach to evaluation has been challenged and have not received necessary guidance in helping them to adjust to a changing situation.

A special word is in order concerning the complexities of evaluation. Even without the innumerable unique factors mentioned in the background to recommendation #17, evaluation has a tendency to mean all things to all people. Just as all programs and administrative procedures may be subject to evaluation, so are all aspects of the management cycle, including, particularly, delivery performance and program results. Techniques used may be endless and range from the simple and subjective to the complex and objective, with any combination in between. Quality, quantity, narrative, statistical, observation, review, reports, written, verbal, charts, logs, and status are just a few of the key words associated with evaluation. Perhaps equally as dangerous as too little evaluation is too much, particularly when form substitutes for substance and subtracts from the ultimate goals of program improvements.

Recognizing that the Bureau has been notably lacking a formal and systemmatic evaluation system, it is highly desirable that one recommendation for management improvement address this specific deficiency. In this recommendation it is noted that the Report has zeroed in on Area and Central Office operations. Why a similar concern for Agency operations has not been cited is unclear, but we do not interpret this to mean lack of need for audits at that level. Rather, it is felt that the specific nature of the recommendation reflects a concern that top managers of the Bureau have meaningful information available to them concerning the performance of those units which report most directly to them - thereby enabling them to exercise control and direction aimed at improving their performance. It also focuses on managerial concerns in terms of suggesting "management audits". While the merits of this recommendation are examined in detail in the following analysis, we stress the need for the Bureau to have a broad and systemmatic evaluation process in effect in relation to all operational units, all programs and administrative activities and all phases of the management process.

III. Alternative Approaches

Alternative #1:

Establish a centralized evaluation unit at the DAS/IA level to evaluate the Central and Area Offices including programs, and units under their direction every three years using team concept.

PRO	CON
- Realign can use some existing positions by realignment	- Requires additional funding and ceiling

- AS/IA can take corrective action as needed
- Uniformity
- Professionalism, experience gained in one area can be translated to other areas
- Self policing
- Early identification of problems
- Better mix of disciplines
- Cooperative team approach
- Familiarity with program emphasis/feel of community attitude
- Could be used as a tool in training area personnel

- Resistence
- Lack of objectivity
- Self interest oriented
- Training of personnel
- Travel ceiling

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Impact:

This alternative would develop an in-house capability to determine the adequacy of Bureau standards, policies, programs and procedures. The efforts of the evaluation team would give managers as early warning of problem areas, and allow corrective action to be taken before the problem got completely out of hand and surfaced at some other level. The system would be under the control of the AS/IA, consequently it would not be dependent upon outside constraints. Development of a long range evaluation capability would result from using this approach.

In order to implement this alternative the DM 130 would require modifying and additional ceiling would have to be allocated to the evaluation staff.

Alternative #2:

The Department's Office of Audit and Investigation to conduct an evaluation of the Central and Area Offices including the programs and units under its direction, every three years.

PRO	CON
- Objective	- Would require additional staff to carry out regularly scheduled evaluations
- Good management techniques	- Resistence to "outsiders"
- Personnel ceilings not a factor to the Bureau	- Lack of program experts
- Professionalism	- Precludes self-policing and correction activities
- Familiar with management audit techniques and regulations, etc.	- Limited control of priority setting

Impact:

The audit investigation evaluation would tend to get the department involved in Bureau problems prematurely, before the Bureau can identify and take correction measures.

Would require that A & I staff of the Department be enlarged in order to perform evaluations timely.

Following-up on the corrective action taken would tend to get the Department deeply involved in Bureau operations.

Alternative #3:

Contract with other organizations to evaluate the Central and Area Offices including the programs and units under their direction every three years.

PRO	CON
- Early identification of problems	- Excessive costs
- AS/IA can take corrective action as needed	- Adds to existing BIA workload
- Good management techniques	- Contractors lack of knowledge of programs
- Personnel/travel ceilings not a factor	- Biased opinion
- Number of evaluation only limited by amount of funds available	- Monitoring slippage
	- Evaluation criteria differs work statement

- Objective

- Lacks flexibility

Impact:

Contracting out with other organizations would require more funds than if evaluation were done internally.

Due to the basic competitive bid requirements, the quality and approach to a well-defined contract document could in all likelihood vary from one contractor to another, thereby, possibly resulting in management evaluations lacking in continuity from contract period to contract period.

Although it is evident that contracting out of management evaluations would not impact on travel and personnel ceilings, BIA personnel responsible for developing policy, congressional testimony, etc., would be subject to the terms and conditions of a contract, i.e. time frames, schedules of contractor and subcontractors, thereby, increasing the possibility of not being able to obtain the necessary information when needed.

Alternative #4:

Establish a Management Evaluation Unit at the DAS/IA level to be solely responsible for all BIA Evaluation activities.

PRO

- Uniformity
- Feedback mechanism
- Early identification of problems
- Direction from top management
- Capability to determine performance standards
- Coordinated team approach
- Establishes accountability

CON

- Program input minimized
- Line/staff conflict
- Program staff not responsible
- Isolationist perception
- Requires additional funding and staffing

Impact:

Since evaluation is an integral part of management, the establishment of such a unit would help to provide the Bureau with the capability to effectively evaluate its management functions at the Field and Central Office levels.

IV. Recommended Alternative

We recommend alternative number one be selected for implementation because:

1. The Bureau has the nucleus of an evaluation unit in the Management Research and Evaluation section. We recommend that the vacant positions be filled and that an evaluation unit be strengthened and organized as follows:

   a. Team leader who is knowledgeable in the evaluation discipline.

   b. Member who is a generalist in the field of natural resources.

   c. Member who is a generalist in the human disciplines.

   d. Member with a background in education.

   e. Member from the field of administration/management.

   f. Clerical support.

Program experts could be called upon as needed.

2. Using the above approach would require realignment of existing M.R. & E. positions.

3. The evaluation unit would be a permanent assignment. Those individuals selected, while they would have a broad background when they came to the unit, would be able to develop a great deal of proficiency and knowledge across program lines, consequently, it would also provide a good training ground for future high level managers.

4. Using the same unit from Area to Area would provide uniformity in approach vs using outside contractors or Audit and Investigation whose employees and approach would vary from location to location.

5. A Bureau team would not have a hidden agenda such as the Department or a contractor might possess.

6. There would be an annual travel costs - of about 36 K, however, this would still be much cheaper than using Audit and Investigation or contractors.

7. The Bureau's evaluation unit can also monitor corrective action that has been directed by the Assistant Secretary as part of its responsibility. However, if an outside organization conducted the evaluation the Bureau would still have to develop the capability to monitor for corrective action.

DECISION DOCUMENT

Recommendation #19

The BIA Management Information System should be upgraded to provide the accurate, timely information necessary for sound management decisions at all levels.

I. Objective

The BIA Management Information System should be upgraded to provide accurate, timely information necessary for sound management decisions.

II. Background

In order for any organization to function effectively, its managers must be making the right kinds of decisions based on data which aids understanding of the issues and stimulates their actions. Such data must be accurate, timely received in a useable form, and uncluttered by irrelevant material. This data, on the basis of which decisions are made, is generally referred to as information. Information comes to managers from a wide variety of sources. Most management literature and this recommendation talk about an organized method of providing information to managers known as a management information system. However, one would be remiss if he did not keep in mind the information received from many sources outside the organized system, all of which need to be cultivated for managers to be fully informed. Included, and particularly significant, are personal observations of program operations and keeping open lines of communication and using them to the broad spectrum of decisions concerned with one's sphere of activity.

Equally important is the recognition that an organized management information system is not and cannot be equated with an automatic data processing system, although the latter may be the all-important element in effectively developing and maintaining such a system in today's complex world. Consequently, while much of the emphasis can and should be placed on effective use of automatic data processing in respect to this issue because of its potential value for both speed and manpower savings, this should not be at the neglect of other means composing the organized information system.

Along with other essential elements in a soundly managed organization, the lack of a functional management information system has been repeatedly identified as a major deficiency of the Bureau. Although this has been highlighted by the Policy Review Commission Management Study and staff of the House Appropriations Committee, the problem has hardly gone unnoticed by Bureau managers and efforts to address the problem have now been underway for sometime. We do caution that this is an exceedingly complex matter, that the desired solutions will not be easily achieved, that a sense of frustration can easily develop, and that continued attention by the very top personnel in the organization is an essential ingredient. We also consider it critical that both the differences and the interdependence of the automatic data processing and management information systems be kept consciously in mind at all times and that a continuous effort be undertaken to bring about a better understanding of computer technology and how it might be used to provide better management information to program managers in the Bureau.

III. Alternative Approaches

A. Alternative #1:

Continue existing efforts to upgrade the Bureau's Management Information System.

PRO	CON
- Background work already completed	- May not address MIS except in terms of ADP
- Task Forces and project groups already in place	
- No disruption	
- Less costly than instituting new activity	

IV. Recommended Alternative

After interviewing a number of individuals who are knowledgeable about both the needs and current efforts to address the management information system and upgrade the Bureau's ADP system, this team is satisfied that a coordinated effort is currently being made to address the issue in the detail and with the expertise that this complex issue warrants. Particularly encouraging is the fact that a project manager and ADP technicians (Memorandum dated June 23, 1978), have been given the responsibility of planning and coordinating a number of tasks relating to this most important information system project.

Recommendation #20

A data bank for access to Indians and Alaska Natives possessing critically needed skills should be designed and implemented.

I. Objective

To link/match Indians and Alaska Natives with available jobs by establishing and maintaining a data bank.

II. Background

The Bureau has now provided job placement services for Indians and Alaskan Natives for more than 20 years through the Employment Assistance program (Job Placement and Training at the Central Office level). Industry and other Federal agencies have utilized the program to some degree as an aid to their recruitment efforts, but these efforts are largely localized and inconsistent. No national job clearing house or applicant supply file now exists, although some efforts have been made in the past to achieve this. There is no centralized information system which allows for tracking of higher education students to assist in education planning and recruitment. There is a separation of functions between the Employment Assistance, Education and Personnel offices when dealing with openings within the BIA.

It has been recommended by the American Indian Policy Review Commission and others that the BIA should establish a better system to help skilled Indians find jobs. While the concern is with jobs in general, due to the shortage of qualified applicants for many Bureau positions, it is concluded that any job assistance system should first address the BIA's manpower needs as the most critical application. (This system would also bolster the Bureau's technical assistance capability)

To some extent a shortage of applicants represents a national shortage of Indians in certain career fields. However, it also represents failure of the Bureau to reach a sufficient number of qualified Indian applicants to fill vacancies. The result has been harmful to the Bureau, to the tribes, and to the Indian preference concept.

There is also a need for a skills bank which can serve the need for a technical assistance capability.

III. Alternative Approaches

A. Alternative #1:

To establish and maintain a manpower and vacancy data bank.

PRO	CON
- Aids manpower planning	- Requires frequent updating

- Identifies technical assistance sources	of skills and personal data
- Complements Management Development Program	- Depends upon voluntary response
- Potential for use by others	- High cost
	- Additional staff
- BIA could fill jobs quickly	- Requires automation
- Gives applicant wider "visibility"	

Impact:

This alternative impacts on several areas within the Bureau as several units will be required to assist in the implementation and will be able to utilize the system. Development will require significant staff time even if this phase is contracted out. This system, although costly, will benefit manpower planning and staffing, employee development, manager development, employment assistance to individuals, recruitment, and training efforts.

This will affect other data systems requirements, especially those relating to reporting systems for program service delivery, and other management information system applications.

IV. Team Recommendation

It is recommended that Alternative #1, the establishment of a full and complete skills/job bank, be implemented. The Bureau would then be able to better assist Indians in finding jobs. In addition, the BIA would also be able to meet internal needs for manpower planning, recruitment, management development and training plans.

A comprehensive career development program can serve as the foundation for the establishment of a skills bank. The system should be initiated using personal data of selected BIA employees, as most of the required data is already on file, and no OMB clearances will be required as long as the data is utilized internally. Information is also readily available on Bureau sponsored college and vocational students. Expansion to include data on non-BIA employees, or to share personal information externally may require approvals under the provisions of the Privacy Act.

It should be noted that widening the distribution of BIA vacancy announcements is a necessary part of a complete system such as the one described above. Since this does not require automation nor the development of a complex, new system, it can be implemented at once.

The cost would be relatively small. Yet reaching a wider audience of Indian talent (e.g., including higher education institutions) could result in immediate gains to the Bureau in terms of increased numbers of qualified Indian job applicants. It could also serve as the precursor of the more sophisticated and complex data bank which will follow. We, therefore, urge that this be undertaken immediately. An Adjunct Action Plan for widening the distribution of Vacancy Announcements has been developed for immediate implementation.

DECISION DOCUMENT

Recommendation #21

The top management of the Bureau of Indian Affairs should ensure that personnel standards of the Civil Service Commission are upheld on all levels of the Bureau, and that sound, flexible personnel management principles are utilized.

I. Objective

To improve personnel management practices in the BIA at all levels.

II. Background

The Bureau has been criticized in recent years by Department evaluations, internal BIA evaluations, and by Civil Service Audits for failure to uphold Civil Service Standards in personnel practices.

In response to this criticism, an enormous amount of effort has been directed toward analysis of personnel shortcomings, development of a personnel management improvement plan and assignment of individual tasks. This plan, the "Action Plan for Personnel Management Improvement," was supported by the highest echelon of the Bureau. Nevertheless, implementation of the plan has bogged down. Primary responsibility for implementation of the plan is no longer clearly assigned. Timetables and interim accomplishment milestones have slipped in many areas. Clearly, a thoughtful plan has been developed and implementation has faltered. Renewed efforts should be directed at getting implementation on track.

III. Alternative Approach

A. Alternative #1:

To implement the "Action Plan for Personnel Management Improvement."

(1) Explanatory discussion: We did not see a need to develop a number of alternatives for improving personnel management practices since they are detailed in the Action Plan for Personnel Management Improvement dated September 14, 1976.

PRO	CON
- Approval received	- Revision/update required
- Action plans partially developed	

- Bureau familiarity
- Semi-completed effort

Impact:

Action on this alternative will reaffirm management's commitment to follow through with its earlier decision. Adherence to established Civil Service practices and standards will provide BIA managers with more effective personnel services. Such action will improve staffing by assuring that job standards are applicable to needs, and ensuring that employees are qualified for their jobs. It will improve the Bureau image in the eyes of potential applicants.

This action will be viewed by some as being in conflict with Indian preference. However, successful implementation will lead to improved employee morale and increased pride in the organization.

IV. Recommended Alternative

We recommend that the only Alternative presented be implemented by the Bureau to provide follow through on the analysis and planning already completed and to take actions that will improve personnel management within the Bureau.

(2) The American Indian Policy Review Commission mentioned many personnel problems that need to be remedied. Implementation of the Action Plan will fulfill most of the needs outlined in the American Indian Policy Review Commission report. Most of the Area Directors, Agency Superintendents and other individuals, in their comments on the Reorganization Task Force Recommendations, expressed support for Recommendation #21. Also the Central Office Director who addressed the recommendation in his comments specifically mentioned the Bureau's Personnel Action Plan as a means for carrying out the recommendation. Clearly, a great deal of analysis and planning went into the PMIP and it has wide support and should, therefore, be used as the vehicle to make necessary changes.

Decision Document

Recommendation #22

BIA's policy/Procedures Manuals should be reviewed and updated annually.

I. Objective

BIA's Policy/Procedures Manual should be reviewed, updated within a two year time period and semi-annually reviewed by program Directors/ Division Chiefs to certify that ongoing changes are documented by written procedures.

II. Background

All policies, procedures, instructions and selected information having general and continuing applicability to Bureau activities, programs and/or employees are published in the directives manual system.

Approximately 8-9,000 pages comprise the present manual system (3,000 pages of IAM directives and 5-6,000 pages of BIAM manual material.)

A conversion of IA Manual directives to the BIAM manual was begun in 1968. The memorandum announcing the new BIAM system also established a conversion schedule for each manual part and assigned responsibility for rewriting directives to the office of primary interest. The conversion process began to lag long before completion of the project. A bulletin was later issued in August of 1970 to remind Program Directors of their responsibility to issue revised manual parts. The latest effort, a memorandum from Deputy Assistant Secretary Goodwin to Program Directors dated February 1978, has still not resolved the problem. Consequently, the IA Manual Conversion is still not completed and approximately 63 IA Manual parts are still in effect containing both current procedures and outdated procedures pertaining to ongoing programs.

The BIA Manual contains approximately 100 manual issuances including both basic and supplement parts. Many of the BIAM issuances are dated prior to 1973. O BIAM requires a periodic update coordinated by MR & E every five years.

MR & E has made efforts to handle this problem, however, it is evident that program staffs are NOT emphasizing directives as a priority.

Issuance of "bootleg" directives is usually the reason for deterioration of a directives system. For various reasons, usually the time element involved, program managers refuse to use the formal issuance system and instead issue policy and procedures in memorandum format or in other uncontrollable form. Our Bureau has issued outside the formal system directives ranging from single page memorandums to a 195 page handbook. At times, Program Managers feel that the current directives system is a hindrance and that it is necessary to bypass the system in order to get a directive out to the field units.

Some of the problems contributing to the dilemma of the current system are:

1. Program professionals are not familiar with O BIAM Suppl 2, therefore, the initial effort to write and process a manual part through the organization is generally futile. Manual parts are generally returned to the originator because of format, style, consistency, organization, and other deficiencies.

2. Manual parts are sometimes lost during the review/surnaming process. A system must be designed to fully control the location of a manual part during the review and surnaming process.

3. Each manual part, each supplement and each bulletin have their own sequential numbering system. With this type of system a field unit may never detect a missing issuance of any directive. A single numbering system must be devised for the manual and bulletin release.

4. MR & E unable to provide a complete manual to field units or others upon request. A different type system (by page except for handbooks) must be considered for implementation. A page by page system cures two problems (a) Superseded or rescinded material may be discarded upon receipt of revision. (Superseded material is not discarded now unless the complete release is superseded.) (b) all stock remains current and with the assistance of a clerk a complete updated manual could be pulled within one week and furnished to the requestor.

For the above reasons our manual system has steadily retrogressed in recent years. Locating complete up to date directives on any given subject becomes impossible when information is contained in various places (IAM, BIAM, memoranda.) The end result is less emphasis on writing directives and more day to day adjustmenmts in order not to "rock the boat." Consequently, the policy and procedures manual system deteriorates and written policy disappears.

The Bureau is not forecasting it's future program requirements thereby permitting slippage through the ever changing program demands. We are currently preparing original copies of directives by type written or word processing machines. Word processing systems are more futuristic than the electric typewriter system. However, some agencies are currently using computer systems to process this information. Computer systems have unlimited potential in this area. The Department is in the process of converting its directives system over to computer.

A computer system enhances the value of a directives system by:

1. Opening possible future use of a Computer Output Microfiche (COM) System. Microfiche readers are becoming prevalent throughout the Department and some value may be warranted through this system for reviewing directives, lowering mail costs, and reducing amounts of paperwork.

2. Reducing access and retrieval time on research data. For example the computer could answer questions such as "What are the current Delegations of Authority for Area Directors? This area has unlimited future potential.

3. Simplifying the updating of manual issuances. The computer can produce a double spaced document which may be forwarded to a reviewer for updating. The reviewer simply marks the changes on this copy and returns it to the Secretary operating the terminal. The Secretary makes the changes and furnishes the data back to the computer. A new updated original copy is obtained from the computer ready for routing and signature. A great reduction in editing and reviewing time is provided by this method.

4. Providing the ability to transfer data between different locations through the use of terminals. The same type of system could prepare, retrieve and store information on Federal Register documents.

III. Alternative Approaches

A. Alternative #1:

Create a Directives Branch at the Central Office directly under the Office of Administration. The responsibilities of the branch should be to:

a. Finalize all directive from draft material submitted by Program Directors.

b. Maintain a master original of all directives issued.

c. Number and control issuance of the directives.

d. Update directives as changes occur thus insuring that each directive is reissued within a 5 year period.

e. Ensure consistency among programs.

PRO	CON
- More helpful	- Additional requirement of 14 employees-funding $290,400, change in Administration's Organization
- Savings of program time and consistent policies	
- Full Time effort	
- Bureau retains directives expertise image	

Impact:

Constant awareness on the part of the Directives Branch to update directives. Programs would be served by highly qualified directives specialists extending their expertise to the directives program. Establishment of a continuing program with singular staff responsibility within the Bureau will lead to consistency in Bureau operation and will enhance service delivery to Indian Tribes.

B. Alternative #2:

Establish a committee or task force by each Program Director to resolve this problem until each manual part is updated and issued.

PRO	CON
- Attention of top managers	- Full time Detail presents other workload distribution problems
- Concentrated effort	
- Input from knowledgeable employees	- Possibility of incomplete assignments
- Group task attempt	

Impact:

This approach would be burdensome upon the programs because of the anticipated two year time period, the 35 other recommendations under consideration for implementation during the reorganization, and lack of technical expertise in this important management area.

C. Alternative #3:

Create a schedule with time frame and responsibilities specified.

PRO	CON
- Establishes a goal	- Previous attempts have not succeeded
- Responsibility on Program Director	

Impact:

The neglect of our program to follow through with this project during the previous three attempts to update the directives system indicates that we are lacking commitment towards our program, our people we serve, and ourselves. Although this Task Team listed this alternative, we strongly believe that the precedent has been established previously and nothing positive will be attained through making a fourth attempt.

D. Alternative #4:

Hire two additional permanent Management Analysts for MR & E to work full time on coordinating the update of the directives system.

PRO	CON
- Professional help on permanent specific assignment	- Questionable if 2 staff persons are adequate to handle all the work
- Review semi-annually	- Workload analysis hasn't been completed yet

Impact:

This alternative would provide an improvement over the present mode of operation inasmuch as two positions would have a definite assignment and commitment in the directives area. It is questionable if the two man years would be sufficient to adequately handle all the necessary functions of the directives management program.

E. Alternative #5:

Make all Bureau Directives expire at the end of five years with the proviso that any program manager who does not update the directives will face (1) disciplinary action for inability to manage, or (2) non-support from the Department in budget submission because we can't justify a request for funding a program for which we have no directives.

PRO	CON
- 5 year turn around on directives	- May penalize Tribes if Program not funded
- Hold program managers responsible	
- May produce change in management program direction	
- Can impact on performance evaluations	

- Affects MBO style
- Good sound management practice
- Establishes automatic update requirement

Impact:

Needs of tribes, wishes of the Congress and administration, and direction of the Assistant Secretary would be translated into Program directives. Consistency in policy dissemination would result in better service delivery.

IV. Recommended Alternative

We recommend that alternative number one be selected for adoption because:

1. A Permanent staff would be created and would be available to assure that the manual directives system is updated.

2. There is every likelihood that the Bureau will undergo numerous changes in the very near future because of the reorganization. Therefore, it appears that a permanent staff should be available to make the necessary manual changes, thereby improving internal guidelines for the Bureau and also improving services to the Indian Community.

3. Sound management decisions should not be circumvented or procrastinated. We feel that professional employees who are experts in their working environment are an indispensable commodity to any organization. The Bureau has failed to develop and maintain the expertise in the directives area that it once obviously had.

4. This alternative does mean the creation of a 14 person staff with costs of $290,400. We believe this will be offset by its increased efficiency in serving program managers, and by its being available and responsive in furthering the management philosophy of the Assistant Secretary and the Administration. This methodology should insure better placement of problem ownership, responsibility, and accountability, and would result in a significantly improved system.

Regardless of what alternative is selected for adoption, it is paramount that an improved, modern technique be established for capturing and storing data on the directives system. Each alternative suggests an initial updating period of two years. Since all manual parts will be typed before reissuance, it is logical and practical to store this information on a computer system for future use to simplify future updating. Rapid change in organizational development and changing technologies demand that we, too, step into the 20th century.

Costs for converting the directives over to a computer system have not been considered or estimated in this document because of our own in-house capabilities, e.g. Computer Center in Albuquerque and three terminals in the Central Office.

Recommendation #23

The Bureau and Department Trust Responsibility functions should be strengthened and extended in Washington and the field.

I. Objective

The Office of Trust Responsibilities should be charged with being an activist trust rights unit with sound and technical backing; and with its advocacy mission and its activist functions clearly stated, understood, and supported throughout the Bureau and the Department.

II. Background

The Office of Trust Responsibilities develops and manages BIA's trust and legal responsibilities programs. Areas of concern are the protection of Indian trust rights, the exercise of the Secretary of the Interior's authority for Indian trust property and services, and the administration of trust programs. Two divisions are located within this office: the Division of Trust Facilitation, concerned with environmental quality, irrigation, and soil conservation, and the Division of Trust Services, concerned with real estate, forestry, ranges, and Indian trust fund programs. Special staffs also reporting to the Director are as follows:

1. Rights Protection Staff which provides expertise in Indian rights protection in such areas as water; land titles; boundary; trespass; hunting and fishing; contracts involving the trust responsibility; and land use.

2. Tribal and Administration Accounting Services Staff which provides accounting services to tribes and Bureau internal administrative audits. This service includes analyzing tribal accounting records, preparing financial analysis reports for the tribes, and giving technical assistance including on-the-job training tribal employees. The staff provides internal administrative audits of Indian Service Special Disbursing Agent accounts, Imprest Fund Cashiers, Student Activity Funds and other administrative audits when requested.

More detailed functions of the two Divisions within the Office of Trust Responsibilities are:

1. The Division of Trust Facilitation which provides staff assistance and advice to the Director regarding Bureau activities designed to assist the Indians with professional guidance concerning environmental quality services to protect Indian interests and provide a program to comply with NEPA; in the management, protection, and development of the Indians' agricultural resources, soil and moisture conservation, and in their irrigation construction and operation and maintenance projects.

2. The Division of Trust Services which provides staff assistance and advice to the Director regarding the Bureau activities designed to

provide the Indians with professional guidance in the management, protection, and development of their real estate, (forest, range, wildlife and parks, and energy and mineral resources) and in land use planning and appraisals. The Division is responsible for maintaining trust resources records to assure that land related information essential to the prudent conduct of the Secretary's trust responsibilities is adequately recorded, stored, and made retrievable.

The trust responsibility of the Federal government for the protection and management of Indian property, both tribally and individually owned, is set forth in Treaties, Acts of Congress and Executive Orders. The United States as trustee, holds title to the real property of both tribes an Indian individuals. Any action taken to this property requires authorization by the United States. This authority has been granted in United States statutes to the Secretary of the Interior who is, in effect, the trustee. The statutes provide that the Secretary of the Interior be authorized, under rules and regulations promulgated by him, to carry out the provisions of these acts which refer to Indian trust property. These rules and regulations are published in the Federal Register to allow time for comments and suggestions and are then published finally in Title 25 of Code of Federal Regulations. The Bureau also publishes a Bureau of Indian Affairs Manual. The difference between the two is that the Code of Federal Regulations is substantive and has the force of law while the BIAM is policy and procedural only and forms the basis for which the trust responsibility relates to trust lands, trust funds, and other trust property.

The Assistant Secretary - Indian Affairs pledged to make radical changes in the trust function and the development, on a high-priority basis of a much enhanced Bureau capacity to protect and advance Indian rights, the Indian land base, and Indian natural resources. The secondary role of the trust function can no longer be ignored because of the backlash challenge and the need to assist tribes in positive development and their exploitation of their valuable natural resources if they so desire. This demands the services of the best talents and skills that exist be focused to ensure this, be it legal, environmental, scientific, technical or otherwise.

Discussion:

The alternative section that follows has been developed consistent with the six trust responsibilities functions set forth in the Task Force Report:

A. The Office of Trust Responsibilities should be charged with being an activist trust rights unit with sound technical backing; and with its advocacy mission and its activist functions clearly stated, understood, and supported throughout the Bureau and the Department;

B. Rights Protection Office should have increased status and staffing;

C. Rights Protection units should be established in the field; with trust advocates at each agency;

D. Legal staffs reporting to Associate Solicitor for Indian Affairs should be placed in the field.

E. An Indian Trust Council should be established in the Department, and a Federal Indian Trust Committee at the National level consisting of highest responsible officials, to consider matters of trust policy.

F. The Solicitor should be formally entitled to file separate briefs in cases of conflict of interest.

III. Alternative Approaches

A. Alternative #1:

Accept the task force recommendation as written which implies that:

> "A strong statement of the mission, the goals and the priorities of the Office of Trust Responsibilities should be formulated, with provision for systematic review and periodic restatement of priorities."

PRO	CON
- All levels of the Bureau and Government will clearly understand the Bureau mission and Goals	- Definition of Trust Responsibility can become limiting
- Challenges to Indian rights can be met	- Has a danger of becoming a program rather than a concept
- The Bureau's Rights activism can be coordinated	
- Accountability for Trust Rights and Protection will be focused in one organizational segment	
- Can serve as a Policy setting and evaluation unit for the Bureau on Rights Protection	

Impact:

This will support the demand of Indians that the Bureau make radical changes in the Trust function, on a high-priority basis, for a much enhanced Bureau capacity to protect and advance Indian Rights.

It would indicate that the Federal Government is serious about protecting Indian Rights and that they are not abrogated, lost or infringed upon.

It would clearly indicate the Bureau's advocacy mission and will enable the Bureau, Department and other Federal Agencies to focus on these goals, and will serve as benchmarks for evaluation processes.

The increased capability of the Central Office to analyze problems and to chart problem solving avenues will require a concerted effort to meet the backlash challenge. However, measures must be taken to prevent "trust responsibility" from becoming a program rather than a concept that justifies programs and delivery of services.

B. Rights Protection Office should have increased status and staffing.

Background:

The rights protection activity provides the Bureau of Indian Affairs with the problem-solving staff and technical support services required in the administration of the multi-billion dollar estate which the United States administers in behalf of the nation's Indian tribes. This includes the support necessary to meet all challenges to tribal rights and interests that are protected by treaty, statute, or executive order, as well as the initiation of those actions required of a prudent trustee to clarify the nature of and to ensure the continued viability of those rights. This activity funds those studies and actions needed to preserve and protect Indian water rights, including water inventories. While Indian water rights are vested and protected by the 5th Amendment to the Constitution, these rights are largely unquantified.

This activity further serves as the focal point for federal efforts to bring together tribes, state and local governments, and other interests such as industry, for the purpose of resolving differences and conflicts in ways other than protracted, expensive litigation. This activity has negotiated several jurisdictional disputes and has negotiated escrow accounts for monies which are the subject of taxation or other disputes over distribution. Without such efforts and agreements, several local economies would sometimes be frozen during lengthy litigation to resolve the dispute.

Where negotiated agreements are not possible, this activity provides the historical, technical, scientific, and other professional expertise necessary for the government to litigate challenges to Indian rights which the United States has guaranteed through treaty or status.

Included in the activity are funds for implementing the Boldt Decision in the proceedings vigorously contested by the State of Washington over treaty fishing rights in the waters of Washington and Puget Sound. President Carter has appointed a high-level task force to address this and related problems. This year the Departments of Justice, Commerce, Transportation, State, and Interior coordinated their activities for the first peaceful salmon season in this area for nearly a decade. This activity provides the focal point and the coordinating direction for these federal, state, and tribal efforts. The coordinating function requires developing the necessary scientific, biological, and technical data for sound management and regulatory practices.

It is incumbent upon the Federal government, by virtue of its fiduciary responsibility to see to it that Indian rights are not abrogated, lost or infringed upon. The majority of the tribes are not financially able to undertake the process necessary to protect their rights and resources. Water inventories funded by this activity are necessary to support litigation. As pressures mount for scarce resources, especially water, program efforts must be expanded to assure that Indian rights are effectively protected.

This activity is also engaged in establishing a tracking system for the systematic resolution of some 400 identified but unresolved Indian rights issues. The statute of limitations requires the systematic outline of the issues, the recording of actions taken and the reflecting of status along the route to resolution, either administratively, judicially or legislatively.

A. Alternative #1:

Provide increased status and staff to the Rights Protection function at the Central Office.

Discussion:

Status of the rights protection unit will be enhanced by virtue of increased staffing and budget to support the activities. There is no clear indication that providing the unit with full division status within Trust Responsibilities rather than its continuing as staff directly reporting to the Director will increase its status.

PRO

- Improved services to meet challenges to tribal rights
- High visibility
- Provides legal talent for tribes
- Indicates BIA protection commitment
- Provides a focal point to follow-up after

CON

- Tribes who are able, hire their own legal talent for Rights Protection purposes
- Provides a focal point for backlash
- Waves a banner for controversial issues
- Substitutes flag waving for actual cures

adjudication	- Need for preventative measures before legal battles
- Focal point to gather resources from other federal agencies	- Need resources development to complement legal gains
- Focal point for expertise available in the Bureau	- Need Solicitor's approval for legal job services
- Provides economy of scale with service available for all tribes	- Indicates Bureau can solve all legal problems for the tribes

Impact:

This would establish rights protection services to all Tribes and Field Offices identified as inadequate or non-existent. Tribes would be provided a mechanism to negotiate, hoping to solve problems before expensive litigation. Where agreements are not possible, historical, technical, scientific and professional expertise would be provided to the Solicitor's Office to litigate challenges. It would provide staff for water inventories and 400 unresolved rights issues due to expire shortly because of the statute of limitation.

Division status would lower the focus now enjoyed by the present position of the unit.

B. Alternative #2:

Staff up Central Office with the necessary expertise dispersed throughout the Office of Trust Responsibility and form ad hoc Project teams to give the Rights Protection Unit the capability of meeting issues or forming new policies as required. A small rights protection unit will remain intact and viable.

PRO	CON
- Would accomplish Rights Protection Mission with little fanfare	- Tribes may interpret this as less rights protection
- Utilizes staff more effectively	- Fragmented approach to rights protection
- Focus on resource development	- Difficult to coordinate
- Focus on increased services resulting in rights protection	- No focal point for protection commitment

with low visibility	- Difficult to justify increased funding for rights protection

Impact:

This system will make available a highly competent staff that can be called upon on an ad hoc basis for rights protection with low visability which should result in minimum backlash. The Assistant Secretary - Indian Affairs will be able to fulfill the Government's trust responsibility by advocacy based on sound technical data analysis on a timely basis. It also provides a means of using highly capable staff to assist in carrying on the other duties required in the review processes of the central office. The Rights Protection Unit staff should have rights protection work as a first priority. It would have the appearance of a decreased status for rights protection.

C. Rights protection units should be established in the field with trust advocates at each agency.

Discussion:

This function stated by the Task Force is a very expensive concept. We believe the following alternatives indicate a more realistic proposition, as we understand the mood of Congress in appropriating funds and the high visibility of the backlash elements.

A. Alternative #1:

Provide additional staff in Area Offices and some Agencies and assign rights protection duties.

PRO	CON
- Low visibility	- Difficult to justify funding and staff
- Minimizes backlash	- No focal point established in field offices
- Keeps operations out of Central Office	- Confusion of roles in field offices
- Organization already approved	- Difficult to deal with Civil Service Commission rules and regulations regarding duties
- Can implement quickly	- Low visibility to tribes
- Easier to define or re-define positions	

- Establishes expertise close to problem areas

- Solicitor's approval not needed for legal positions

Impact:

This effectively provides a low visibility operation within the Area Offices and a few large agencies to meet the challenges to tribal rights and interests that are protected by treaty, statute, or executive order, as well as initiation of those actions of a prudent trustee to clarify the nature of and to assure the continued viability of those rights. By assigning rights protection duties within existing Area Office trust responsibilities organizations such as Realty or Forestry, the Rights Protection unit would be operating without advance publicity preventing a target for those objecting to such functions. It would decrease status of rights protection.

Rights protection units established in the field would be more efficient if they were established at each Area Office. It is this team's contention that the primary trust advocate at the Agency level is the Superintendent. Policy guidelines should be issued to indicate this if it is not clearly understood. This would require a small staff and would not warrant the establishment of a special division within the Area office, but would mean placing a small staff within the Area Office organization either in Realty or Natural Resourcs, which would actually function in the Rights Protection area.

B. Alternative #2:

Combine funding for Rights Protection and staff up existing organizations in the field.

PRO	CON
- Minimizes backlash	- Substitutes funding for potential staffing
- Visibility minimized	- Budgeting constraints
- Operations kept out of Central Office	- Funding
- Organization already approved	
- Can implement quickly	
- Easy to define or redefine positions	

- Establishes expertise close to problem area

- Potential for preventive measures

- Focal point in field offices (Area and some Agency Offices only)

Impact:

This would allow advocacy and trust protection effectively distinct from trustee recordkeeping, conservation and present trust responsibilities functions. With limited staff, first priority would be to staff up those Area Offices without rights protection staff. The advice and service capacities of these Trust Protection units would become available to agencies and tribes focused at the Area Office. A fund for consultants should be administered at the Central Office, selection criteria established, and thus provide technical expertise to tribes.

C. Alternative #3:

That the Commissioner be the Trust Advocate for the Bureau: that the Commissioner also be the advocate for Trust Resource Development, as a Bureau mission, that this be stated as policy throughout the Bureau of Indian Affairs and the Tribal community.

PRO	CON
- Policy in Trust Protection and Trust Resource development clearly understood	- May be viewed as de-emphasizing Trust and Rights advocacy
- Organization in place with minor changes	- May be more difficult to justify needed funds
- With every line officer being sensitized to the "Trust Protection" mission, every BIA employee will better understand the meaning thereof	- Would require re-sensitizing line officials constantly
- Rights issues tend to surface more quickly for resolution because of immenent Tribal Development rather than "Protected" for future use	- No focal point in all field offices

- Lowers the "Rights Protection" banner but does not lower the commitment if Trust Responsibility and Trust Resources Programs are properly funded

- Would tend to reduce the backlash

- Allows Area Directors and Superintendents more flexibility to solve Rights issues when policy is defined

- Places emphasis on putting Indian Trust Resources to Indian use where possible

Impact:

Allows clearly understood policy from the Bureau head to set tone and posture of total organization while allowing more flexibility at Area and Agency levels to meet "Rights Issues" head-on at a low visibility level. Area Offices and Agencies should be structured or evolve to meet needs and priorities as client needs change and evolve.

Bureau staff at all levels, as well as Tribal leadership, will clearly understand Bureau mission as it reflects trust commitment of the Bureau of Indian Affairs.

All too often "Rights Protection" and/or "Trust Responsibilities" are viewed as programs in and of themselves, whose main objective has been the Federal Court House. The argument here is that proper Trust Resource Development is "Rights Protection." For instance, the planning design, and ultimate construction, and operation of an Indian Irrigation Project is "Rights Protection."

The implementation of the long overdue Intensive Forest Management is "Rights Protection." Is it not possible for the Assistant Secretary - Indian Affairs and the Commissioner to now say, "We propose, as a National Policy, to inventory, plan and develop to the maximum extent possible every trust asset held for Tribes and Indian people in the fullest cooperation possible with those Tribes and Indian people?" This is meant to say that we will advocate in the Congress for funds to accomplish the objectives of Resources Development such as:

- To manage, intensively, every Indian forest;

- To plan, develop every acre of irrigable Indian land;

- To plan, manage, develop mineral resources, range etc.;

- To further identify unresolved rights issues, and provide Rights Protection to the extent that the Bureau will initiate suits, litigation, and support litigation against any challenge that may be necessary.

D. Legal staffs reporting to Associate Solicitor for Indian Affairs should be placed in the field.

Background:

The Department of Justice has the responsibility to utilize United States attorneys to represent Indians, in all States and territories where there are reservations or allotted Indians. These attorneys shall represent them in all suits at law and in equity.

The Department of the Interior's Solicitor is the principal legal advisor to the Secretary and the Chief law officer of the Department of the Interior and as such provides legal assistance to the Bureau of Indian Affairs. This office consists of five headquarters divisions, eight regional and nineteen field offices.

All attorneys and auxiliary personnel within the Department, except those in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and those in the Office of Hearings and Appeals, are under the Solicitor's supervision. In addition to the legal work directly associated with the programs of the Department, the Office of the Solicitor is also responsible for matters relating to torts, other claims, and inventions (patents) by personnel of the Department.

The goal for the Solicitor's Office is to provide responsive, competent, and timely legal advice and counsel to the Department with emphasis on preventive law.

The purpose of the Office of the Solicitor is to provide the Department of the Interior with a fully responsive, competent legal unit for the practice of preventive law on behalf of all bureaus and offices. The office must be capable of dealing with crisis, disputes, and legal matters as they arise. The Office of the Solicitor provides advice and counsel with regard to energy and resources, surface mining, conservation and wildlife, Indian affairs, and general law.

The legal workload has increased in volume and complexity due to the increasing sophistication and expansion of client programs and operations. Therefore, the objective of the Office of the Solicitor is to reduce the backlog of pending legal matters. Legal matters consist of litigation, administrative proceedings, regulative matters, and legal memoranda.

Since the Solicitor's Office serves as a support function and legal services are directly related to the programs and projects of the bureaus and offices in the Department, the need for legal services fluctuates proportionately as the programs of the bureaus and offices fluctuate.

One of the five headquarters divisions is the Division of Indian Affairs and is headed by the Associate Solicitor for Indian Affairs who has a staff including 17 attorneys in the headquarters office. There is no line authority from this division to field Solicitors offices. Field offices report to their respective area regional office. The Indian division is faced with a heavy workload due to Indian Claims--Statute of Limitation. Congress recently extended the Statute of Limitation with regard to Indian claims to April 1, 1980. Any claims covered by the Statute and not recorded by the Department by that date will be barred. In obtaining the extension of the Statute of Limitation, Congress was assured that these claims would be processed so that future extensions would not be required, and four more positions were requested to discharge the responsibilities. If claims are not filed within the permitted time by the Statute of Limitation, the tribes will most likely sue the Government for breach of trust. The potential damages which might be assessed by the Government are substantial.

The Hoover Commission in the 1920's studied the practice within the Department of the Interior whereby each Bureau provided its own legal counsel exclusive of each other. They found this practice was not necessarily beneficial. Therefore, the Department recognized this and established the Solicitor's Office to serve all the Bureaus within the Department of the Interior with the Solicitor reporting directly to the Secretary. The Solicitor continues to receive requests from various Bureaus to authorize their own legal counsels. Historically, these requests have been rejected.

The Solicitor is frequently called upon to decide issues which vitally affect Departmental policy and which are manifested in litigation pursued by the Department of Justice. Thus, the impact of the Solicitor's Office is felt at many levels: (1) administrative decision-making; (2) advice to Interior bureaus; (3) recommendations to Department of Justice that litigation be initiated; (4) recommendations to Department of Justice concerning positions to be taken in pending litigation; (5) recommendations to Department of Justice concerning whether to appeal adverse adjudications; (6) recommendations to Department of Justice concerning positions to be taken on appeals.

A. Alternative #1:

There should be at least one Field Solicitor assigned to every Area Office of the Bureau of Indian Affairs; or, at a minimum, to each of the eight Regional Solicitor's offices, who would report directly to the Associate Solicitor for Indian Affairs and whose duties would not include representation of interests other than those of Indians.

Discussion:

This would allow for direct contact by Indian tribes with legal counsel knowledgeable and sympathetic to their interests at the first point of interface on legal issues with the government. The Associate Solicitor for Indian Affairs would authorize the "Indian" Field Solicitor assigned to each such office to responded directly to tribes rather than requiring submission of every request or inquiry through the Bureau of Indian Affairs as is now the case with most Regional and Field Solicitors.

PRO	CON
- Places commitment on the Department of the Interior	- Involves policy of Department of the Interior
- One person in each Field-Area office, (Solicitors) would have responsibility to Associate Solicitor - Indian Affairs in headquarters	- Predictable foot dragging from Solicitor for approval
- Experienced legal staff in trust issues available for benefit of Indians	- Staff ceiling; funding constraints
	- Upset balance of legal staff now available to each Bureau in the Department of the Interior
	- The Secretary of the Interior would be suspicious of recommendations made by Associate Solicitor - Indian Affairs
	- Imbalance of objectivity on the part of "Indian" field Solicitors

Impact:

Depending on how staff is utilized in the field, this has the potential of placing experienced legal staff involving trust issues closer to the problem areas for the benefit of Indians.

It would set a precedent in that Solicitor staff would by-pass their respective area offices and report to a headquarters division. This has a potential for creating confusion for field staff.

Staffing up Solicitor's field offices to alleviate anticipated heavy workloads created by issues such as the Statute of Limitation and other rights protection issues may be a difficult approach. Another approach is to staff BIA offices with technical expertise rather than legal to provide the technical data appropriate to the issues and work closely with the Solicitors to resolve problems in rights protection.

E. An Indian Trust Council should be established in the Department, and a Federal Indian Trust Committee at the National level consisting of highest responsible officials, to consider matters of trust policy.

Background:

The Task Force recommended that at the Department level, an Indian Trust Council should be established. The Secretary should serve as chairman of this Council. Its two other permanent members should be the Assistant Secretary for Indian Affairs and the Solicitor. The Council should be the policy-making body in all matters where Interior has responsibility over Indian Trust rights.

This group would articulate policy, devise strategy for pursuit of priority trust goals, resolve conflicts and assure that expertise needed from other units of the Department is brought to bear on trust issues. On an ad hoc basis, the Secretary should designate other appropriate Interior officials to participate in the deliberations of the Council.

The Task Force further recommends that the President establish a cabinet-level Federal Indian Trust Committee. The chairman of the Federal Indian Trust Committee should be the Vice-President, and the other permanent members should be the Secretary of the Interior and the Attorney General.

This committee should have authority to make government-wide policies and recommendations concerning the protection and enhancement of Indian trust rights, and should be given wide latitude to focus on issues and policy questions which concern the national interest and deserve the attention of the President himself.

The United States is charged with a "trust responsibility" with regard to Indians. This term is often misunderstood. It applies to resources, not to persons. This trusteeship is tied to the protection, preservation, and development of tribal and individual Indian resources, such as land, water, fishing and hunting rights, mineral development, and timber. This trust responsibility is frequently compared to the duties of a private trustee, for example, the administrator of estate. But the analogy is faulty because of a unique feature in the United States' Indian trust responsibility: Insofar as possible, the assets of this trust must be managed and administered with the consent of the beneficiary - that is, the tribe or individual Indian. This factor complicates the decisions which must be made and at times makes a wholly satisfactory decision almost impossible to reach.

But as the Federal agency most directly charged with the responsibility of adhering to the conditions of the Government's trust, we have a more difficult problem. Both in appearance and in fact and both for the Department of the Interior and the Department of Justice, there is frequently an inherent conflict of interest between the requirements of the trusteeship and the broader responsibility to the people of the United States. It is frequently difficult and again sometimes impossible to be a single-minded advocate of a claim or demand arising under the trusteeship, when that claim or demand runs counter to what appears to be in the interest of the general public.

A. Alternative #1:

An Indian Trust Council be established in the Department of the Interior and Federal Indian Trust Committee at the National level.

Discussion: Trust Council

Once the Assistant Secretary - Indian Affairs is free from operations of the Bureau of Indian Affairs, we believe this process will be forthcoming within the Department, if it is not already an informal process. Perhaps the formalization of the Council would bring about clear definition of the types of issues the Council will deal with such as conflicts of interest within the Department, and between Indians and the general public.

Consideration should be given to who will serve on the Council. We recommend for consideration the Secretary, Under Secretary, Solicitor, Assistant Secretary - Indian Affairs, Associate Solicitor - Indian Affairs, Commissioner of Indian Affairs and other Assistant Secretaries concerned with the subject issue.

PRO	CON
- Provides forum for formulating trust policy	- Indian policy may be compromised
- Focuses Indian issues at the Secretary level rather than Bureau level	- Serves only at the good will of the Secretary
- Opportunity to resolve conflicts between Bureaus in the Department	- Danger of impartiality of the policy makers for the benefit of Indians versus the public need for natural resources

Impact:

The Indian Trust Council will have the opportunity to focus on Indian issues at the Department level to resolve conflicts between Interior Department Bureaus thus creating a preventative strategy to litigation and other measures that may prove adverse to Indians.

Federal Indian Trust Committee

This portion of the recommendation which requests that the President establish a cabinet-level Federal Indian Trust Committee which should have authority to make government-wide policies and recommendations regarding Indian trust rights needs more planning and review than can be offered by this planning and review team. This recommendation has merit and should be studied in depth before finalizing.

F. The Solicitor should be formally entitled to file separate briefs in cases of conflict of interest.

Background:

The Task Force recommended that the Department of the Interior Solicitor be allowed to file separate briefs in cases of serious conflicts of interest, such as arise when the Federal trust responsibility appears in conflict with other Federal mandates. This recommendation would formalize an existing practice. Under this arrangement the government files a brief setting forth a government position and appending the Department of the Interior's different position on behalf of Indians. Because of the trustee role, it is essential that Indian interests be advocated in the courts. Although it is possible that a court would be confused by the practice or that the "government" position would still carry more weight, results in the few cases in which a split brief has been filed indicate the virture of the practice. Notably, a court of appeals reversed an Indian's tax evasion conviction where a split brief indicated a difference of opinion between Interior and Justice on whether income from a motel on the reservation was taxable.

The split briefing process has been successful in airing the Indian position when Justice and Interior disagree. Although it can be argued that conveying the position of a beneficiary to a court deciding the beneficiary's interests in minimally required of a trustee, nevertheless, the split briefing practice rests now only on custom. It has not been formally institutionalized as a Justice regulation and depends on the goodwill of the current Attorney General.

The split briefing procedure should be embodied formally in the Department's rules by appropriate order from the Attorney General and should explicitly require that split briefs be submitted in the Supreme Court as well, upon request by the Interior Department. To avoid any confusion, the Attorney General should make it clear that split briefs are not limited to those cases where "natural resource trust interests may be challenged or threatened."

A. Alternative #1:

Formalize the process to file separate briefs.

PRO	CON
- Would present the Indian rights issues	- Involves policy of Solicitor's office and is not up to BIA
- Has proven effective when it was utilized	- Could prove embarassing to the Department and the Administration
- Indians would benefit since the U.S. judicial system has found in favor of Indians in recent cases	- May foster complaints from other Bureaus that they are not equally represented
- Would indicate the trustee is exercising its fiduciary responsibility of the highest order	- Department could be accused they are not a responsible trustee
	- Backlash focus

Impact:

This process would allow the presentation of evidence to support the Indian side of cases when it is determined a conflict exists between Indians and the general public.

Conclusion and Recommendations:

The reorganization effort and recommendations may result in one major predictable accomplishment - the elevation of the Assistant Secretary from the Bureau as operational head to the Department where policy affecting Indians has always been made and will continue to be made. By taking his place at the round table where decisions are made, the Assistant Secretary - Indian Affairs will be the advocate for Indians, in a position to influence the process whereby Indian issues will be considered at the Department level. The Assistant Secretary - Indian Affairs will also be free to coordinate with other Federal agencies at the Secretarial level to influence the policy formulations that affect Indians, such as those policies made by the agencies dealing with economic development, agriculture, education, health and housing. Truly, the opportunity will exist for the Bureau of Indian Affairs to become the lead agency for Indian Affairs.

Full authority to run the operations of the Bureau must be vested in one position which in the past was the Commissioner. Experience has shown that the Bureau must have one operational head in charge of this year's budget, the next year's, etc. If he is to be held accountable for policy implementation, including implementation in the Area Offices, Agency Offices and field offices, he must have the authority to accomplish it. He can't do it alone. Therefore, he needs strategic officers, experts in their field of endeavor, to give him advice. The best choice of several courses of action will result in efficient and effective decisions for the benefit of the Indian communities.

What does this have to do with trust responsibility? It allows the number one advocate for Indians, the Assistant Secretary - Indian Affairs, to operate in the arena where conflict of interest issues will end up -- in the Department. It places the Commissioner in a position to assure the Bureau does its job all the way down to the Agency level. The accusation of "no policy" resulting in field offices issuing their own, will no longer be tolerated. Yet at the same time, many conflicting policy orders intiating from the Central Office will be prevented. Proper organization has everything to do with proper results expected in the field.

Indian rights are being challenged on every front. Indian leaders have claimed the battle ground has moved from the reservation to the halls of Congress and to the courthouse. Do we, as the Indians' Agency, support our constituency in their lobbying efforts in Congress and with the best legal talent that exists for the battle in the Federal courts? We do to the extent the law will allow. However, preventative measures are better alternatives. This means acquiring the talent and resources to effectively do a better job than the Bureau has in the past. The Associate Solicitor for Indian Affairs has stated he has or can acquire sufficient legal talent; however, to do a good job, he needs the technical data from specialists the Bureau is authorized to have, traditionally within trust responsibilities. Organization has everything to do with where these technical people will be located to do the most effective job in rights protection, in resources protection and in resources development. How this is done has everything to do with management.

IV. Recommended Alternatives

We recommend that the following alternatives be selected for each of the six functional Trust areas discussed in this recommendation.

Functions	Alternatives Recommended
A	#1
B	#2
C	#2 & 3
D	#1
E	#1
F	#1

These alternatives may not provide the ultimate answer to resolve trust problems. But as the Assistant Secretary - Indian Affairs assumes his duties fulltime within the Department by influencing decisions formally through a Trust Council and informally through persuasion and negotiation, Trust Responsibilities will ultimately serve its intended purpose.

DECISION DOCUMENT

Recommendation #24

An Office of Resouces Development should be established under the Office of Trust Responsibilities to provide competent, sophisticated assistance to tribes in technologies and in economic analysis for management, conservation and development of natural resources.

I. Objective

To establish a unit under the Office of Trust Responsibilities to provide competent, sophisticated assistance to tribes in their pursuit of management conservation and the development of their natural resources.

II. Background

The Resources Development Office responsibilities will center on service to tribes, with the first task being to work on long term planning on a tribe-by-tribe basis: inventory, development options, financing, and time frames. The Task Force also recommended:

- Organizing and acquiring staff with the technical competence to do this should have first priority.

- Tribes must be actively involved in decisions as to needs, priorities and assignments of available manpower and dollars.

- The Office of the Secretary should assist during the start-up period with appropriate staff having the necessary expertise in a variety of disciplines and with assurance of adequate BIA personnel and funding ceilings.

- All plans for this effort must include development of both tribal and BIA personnel capacities in resources management technology.

The major responsibility of the Office of Resources Development should be delivery to Indian tribes and Alaska Natives of highly competent, sophisticated technological assistance in inventory of resources, planning for development or conservation and enhancement, and execution of contracts or other activities in furtherance of plans. Counsel on technologies and economies of development options will parallel the legal assistance offered by the Rights Protection office.

The Resources Development office should have adequate technical capability to deal with the major areas of tribal resource concerns: energy and minerals, water, land, fish and wildlife, forestry, timber, and agricultural activities such as range, crops, and livestock.

The flow of expertise should be from the Central Staff downward, i.e., as the need is established at the reservation level, Agency, and Area, the capability will be provided to meet specific needs.

Viable economic development demands close working relations and well defined interfaces between most, if not all, Bureau divisions and many non-Interior Federal departments and agencies to develop the necessary infrastructure and business opportunities for qualified Indian entrepreneurs.

Justification and related recommendations

Development of major resources is closely related both to trust responsibilities and to the business and entrepreneurship kinds of economic development opportunities for tribes and for individuals.

A division of responsibiliites can logically be made resulting in two units, the Office of Resources Development under Trust Responsibilities, and an Office of Business and Economic Development elsewhere. The offices should be closely and systematically related under one manager or through specific coordination procedures such as joint tribal planning assistance projects, regular joint staff meetings, shared communications, and review and concurrence procedures.

III. Alternatives Approaches

A. Alternative #1:

Establish a division of natural resources development under the Office of Trust Responsibilities, staff it with competent expertise to assist tribes in the management, conservation and development of natural resources.

PRO	CON
- Creates a unit to focus on natural resources development that has been almost totally ignored by the Bureau	- Recruitment of staff would be difficult - Would have the appearance of duplicating functions of the Office of Tribal Resources Development
- Highly technical staff assembled and available to tribes to provide modern technical expertise and management ability	- Travel restrictions if placed in Central Office. - Arguments that operations should be in the field
- Would be the focal point to coordinate other Bureau skills such as those in the Office of	- If placed under Trust Responsibilities, conflicts could arise that trust is the

Business and Economic Development and in Trust Responsibilities

- Natural resources tribes desiring development would realize improvement in their economic situation

protector and resources development involves risks

- Staffing and budgetary constraints

Impact:

The Indian tribes possess vast natural resources which are becoming more valuable as energy, housing, and other demands for natural resources are ever increasing. With employment opportunities through industry and business development available, if these natural resources were developed, (by Indians themselves) improvements in the tribal economic situation would result. It will not happen overnight, but if the Bureau takes the initiative to provide the expertise needed to launch an effort, positive gains would be realized in the future.

Also, natural resources rights protection would be enhanced by the Indian's utilization of resources (including water) by positive development rather than continuing to react to outside development efforts by others.

B. Alternative #2:

Establish a unit of natural resources development in a centralized location to provide expertise to tribes for the development of their natural resources.

PRO

- Would provide all those listed in Alternative #1
- Would be capable of operating more efficiently from an office closer to the tribes
- Expertise would be available to more tribes with a pool of technical experts both on staff and through contracts
- More efficiency in travel

CON

- Problems with administering a critical program from the Central Office
- Coordination problems in utilizing available Bureau expertise
- Staffing and budgetary constraints
- Recruitment difficulties
- Grade structure

- Would eliminate duplication in each Area Office

- Separates Policy and Operations

Impact:

This office would be in a position to render quality technical assistance to natural resources tribes in an efficient manner. This alternative would impact the tribes in much the same as alternative #1, however, the available technical assistance would be closer to the tribes and savings would be realized in travel time in the field and cost efficiency by sharing of expertise among many tribes.

A technical assistance fund would need to be established to purchase expertise needed on a temporary basis to complement staff technical skills.

C. Alternative #3:

See recommendation #25, Alternative #2, to combine all Economic Development functions within the Bureau, under one office - the Office of Business and Economic Development.

IV. Recommendation

The recommendation to establish an Office of Resources Development implies that this Office would have Directorate status within the Bureau. The team analysis suggests, however that this be a division or some other unit within the Office of Trust Responsibilities even though the functions are of such importance to perhaps warrant this status. The functions overlap between Resources Development, Trust Responsibilities and the Economic Development function thereby preventing a Directorate status as a viable alternative.

We recommend alternative three placing all like functions within one appropriate office - the Office of Business and Economic Development. To do this will require strict policy guidelines and a clear understanding of how the two directorates will coordinate present and future resource activities.

Recommendation #25

Economic Development and Service to Indian Tribes and Alaska Natives.

An Office of Business and Economic Development reporting to the Deputy Assistant Secretary - Operations (Commissioner) should be established to provide Indian tribes and Alaska Native corporations with sophisticated assistance in finance, economics, and marketing, etc.; and a competent advocacy service in packaging Federal and private funds and technical assistance.

I. Objective

To provide for the most efficient and effective organizational placement of Business and Economic Development functions within the Bureau of Indian Affairs. This will result in providing Indian tribes and Alaskan Native corporations with sophisticated technical assistance in finance, economics, and marketing, etc.; and a competent advocacy service in packaging Federal and private funds; which will enhance the economic development of Indian lands and employment of Indian people.

Issue:

The Office of Tribal Resources Development now has the responsibility for this function, however, the name has led to confusion in some circles and was once referred to as industrial development, a name that in many cases did not describe tribal wishes and objectives. What is proposed is that a new directorate continue to provide current services to tribes and eligible individuals. In addition, their roles and responsibilities for the range of Indian industry and business should be expanded. Emphasis would be placed on helping tribes and Alaskan native groups to coordinate and package both Federal and private funds. A wider, more innovative and aggressive approach to the economic viability of reservations should be developed for the benefit of the reservations and their citizens.

II. Background

The Office of Tribal Resources Development provides staff support to Assistant Secretary - Indian Affairs in the development and management of Bureau programs which provide technical and financial assistance to enhance the economic development of Indian reservations and their citizens. The office includes programs designed to assist tribes and individuals through the following five divisions:

(1) The Division of Indian Business Enterprise;
(2) The Division of Financial Assistance;
(3) The Division of Job Placement and Training;
(4) The Division of Indian Technical Assistance Center; and
(5) The Division of Transportation.

A close comparative analysis of the functions and responsibilities of various offices should be undertaken to determine the most effective use of funds, manpower and resources that would in the final analysis assist tribal governments to achieve economic self-sufficiency.

It goes without argument that the Bureau's primary function is the trust responsibility not only in protection, but a trust responsibility in taking actions to actively enlarge trust assets through economic development and growth of the socio-economic sector that includes human resources, natural resources and the budget that operates as a substitute for the tax base in the government to government relationship. How the Bureau operates to assume a more active role to enhance the trust is reflected in protection, in the delivery of services for positive improvement, in the quality of life of Indian citizens and in programs that involve the realities of community life such as law and order, welfare, and tribal government services. With this in mind it makes sense to combine "like" functions under Central Office directors, one of which is the proposed Director of Business and Economic Development.

Economic Development Discussion

One of the most critical needs expressed by virtually all Federally recognized tribes is the need for economic development, and the demand for assistance in this area has been increasing constantly. Historically, as numerous GAO and management studies have pointed out, there has been no demonstrated capability for government agencies to effectively coordinate and deliver economic development assistance programs to Indians. One of the major reasons, as the reports have cited, is the fragmentation, duplication and overlapping of Indian economic development programs which have had the tandency to spread economic development dollars among several Departments, Agencies, and Bureaus and various offices within the Bureaus. This Federal policy has tended to reduce the financing of economic development programs within the BIA to mostly small scale, marginal enterprises and has increased substantially the administrative costs of providing Indian economic development assistance.

A similar situation pervades our Bureau today in the existing organizational structure. Presently, economic development activities within the Bureau are dispersed among three offices -- the Office of Tribal Resources Development (the lead office), the Office of Trust Responsibilities (proposed Office of Resources Development), and the Office of Indian Services. This diffused setup has not been very conducive to an effective Indian economic development program efforts. Indeed, it has demonstrated certain characteristics which have made them ineffective, e.g., (1) tribes mired in unnecessary BIA administrative and jurisdictional procedures at the Agency, Area and Central Office levels that they have to deal with in getting economic development answers and assistance; (2) insufficient development funds for larger scale agricultural and industrial projects; (3) inadequate technical assistance; and (4) lack in staff capacity to identify and assess real economic development opportunities and provide the appropriate assistance to the tribes to develop and implement feasible economic development projects.

Although reorganization of the Bureau may not cure these deficiencies, we hope defficiencies that we can cure will be identified and attempts made to structure an organization that will assist tribes in ownership, development and employment and not let organization remain a part of the problem.

The advantages pointed out in the GAO report "More Federal Efforts Needed to Improve Indians Standard of Living through Business Development," with respect to coordination of economic activities in a single federal agency, a recommendation with which the Bureau concurred, also apply to consolidation within the Bureau. Indeed, it would be lamentable if an activity which needs sharp focus to penetrate the formidable barriers to economic development on reservations is left in a less effective, diffused state, i.e., in an Office of Business and Economic Development, and in Indian Services and Trust Responsibilities.

To make the Indian economic development assistance thrust more effective, all economic development activities should be placed in a single office under a single manager-director. As has been pointed out previously, coordination among other Federal agencies has been and continues to be serious. Hence, if we at least put our own house in order, and introduce an efficient management structure within the Bureau, it would facilitate the obligation which the Bureau now has to coordinate and cooperate with other agencies in the planning and execution of the Federal government's economic development assistance programs to tribes.

III. Alternative Approaches

A. Alternative #1:

Establish an Office of Business and Economic Development reporting to the operational head of the Bureau, include all divisions and staff associated with the Office of Tribal Resources Development and provide additional expertise.

Discussion

It would include the divisions presently within OTRD and the Director would report to the (Commissioner). Additional staff and consultants should include a high level of competence in such disciplines as economics, marketing, finance, and etc. They would focus specifically on analysis of economic alternatives, helping tribes coordinate and attain resources from a variety of sources both Federal and private leading to the development of business and industry. This staff would be available on a team basis, at the request of tribes, to deliver technical assistance geared to various stages of need including:

- Planning and early development.

- Follow-up assistance needed during business start up, particularly in management.

- Assistance in expansion and diversification of existing businesses including planning and implementation.

PRO	CON
- Provides expertise which has not been available to tribes or limited.	- Recruitment.
- Avoids confusion by labeling an office more appropriate to its function.	- Staffing and budgetary constraints.
- Provides a mechanism to coordinate economic programs diffused throughout Federal government.	- Travel constraints.
- Consistent with 638 policy.	- Location of experts.
- Provides expertise to concentrate on long range aspects of economic development such as acquiring capital investments for viable projects.	

Impact:

- Would leave the present office of OTRD intact and provide critical expertise to improve the capability of the economic development mission.

- It would allow improved coordinated of economic development programs now scattered throughout the Federal government.

- It would provide a service to tribes to begin projects that have the potential to succeed.

B. Alternative #2:

Combine all economic development functions scattered throughout the Bureau under one director in the Office of Business and Economic

Development. It would include the various offices now under the OTRD, the Division of Housing within Indian Services and the proposed Resources Development Office within Trust Responsibilities.

Discussion:

The Task Force recommended that the infrastructure should be closely integrated with economic development. This means careful consideration should be given to moving some organizational elements of the present office of Indian Services, such as those responsible for housing and physical facilities, to bring at least the planning for key infrastructure elements into an alignment providing tribes necessary support for development of viable economies.

This involves the fundamental structure concepts around which the Bureau will be reformed and reorganized to become closely integrated with an alignment providing tribes with the necessary support in developing reservation commerce and industry.

Resources development is an excellent opportunity for potential development for those tribes having well identified resources relating to foresty, minerals and agriculture. Priority attention should be given to this opportunity and assessed in a pragmatic fashion to enable each reservation to maximize the development of its resources.

Development of major resources is closely related both to trust responsiblities and to the business and entrepreneurship kinds of economic development opportunities for tribes and for individuals. A division of responsibilities can logically be made between the two offices but the functions of the two should be recognized for what they are and coordination procedures established such as joint planning, regular joint staff meetings, shared communications, and review and concurrence procedures.

PRO

- Less confusion and duplication of effort
- Several offices would not be competing for the same development, technical and management assistance dollars
- It would avoid a serious conflict of interest between resources development which would be assisting tribes in utilizing natural resources for profit, and those responsible in

CON

- Historically, organization structure at the Central Office has little effect on program results at the reservation level. When several lines of authority are incorporated, it tends to have a negative effect
- Fragmentation of the Trust responsibilities functions
- In developing countries, reports show that when housing and economic develop-

administering the fiduciary relationship to protect the title and use of trust property

- It would realign the housing program which represents an economic activity and opportunity associated with tribal construction companies, Indian Action Teams, job skills development and represents a major economic indicator

- It would realign the Young Adult Conservation Corps, a manpower program currently within Indian Services to join the Bureau's other manpower programs within economic development.

- Promote better coordination of like functions within the Bureau

ment efforts are mixed, the goals of each are compromised and the achievements are seldom satisfactory

- The YACC activity came about as a result of an interagency agreement between the Departments of Labor, Agriculture and Interior. The funding is provided by Labor, and the Bureau contributes some positions. Most of the projects are contracted to tribes, therefore, it could be argued YACC activity may not be considered an economic program, with the Bureau performing more of a contract administration and monitoring function

Impact:

Economic development and resulting Indian businesses would be more effective by preventing unnecessary BIA administration and jurisdictional procedures at each level of the Bureau to allow tribes efficiency in receiving services and assistance.

This approach would also provide a focus to penetrate the barriers to economic development on reservations and provide better coordination by introducing an efficient management structure to facilitate the Bureau's obligation to cooperate with other agencies in the planning and execution of the Federal government's economic assistance programs to the tribes.

- Bureau manpower programs placed under one Director would enhance consistency and service delivery.

- The housing function placed in economic development at the Central Office would compliment the philosophy of housing services with a philosophy of economic opportunity through potential markets for Tribal construction companies without any loss of services delivery. The goals of the program, to eliminate substandard housing on reservations, could be viewed as a major economic opportunity supported by tribal businesses.

- It would place all development functions which are by definition economic development and business development into one directorate to indicate this function is a high priority with the Bureau.

- It would create a proper balance of functions throughout the Bureau, i.e., protection in one office, development in another and community services in yet another.

C. Alternative #3:

That the Assistant Secretary - Indian Affairs and Commissioner be the economic development advocate for the Bureau and that policy guidelines be developed in consultation with tribes and initiated throughout the Bureau.

Discussion:

The development of reservations requires not only financial and technical assistance but clear Federal policy and programs are needed to provide a combination of optimum capital, support for training and development of human resources, and adequate physical infrastructure by the tribes themselves. Many of these functions are scattered throughout the federal government in various programs such as Comprehesive Employee Training Act (CETA), Public work projects and Native American programs, and BIA.

The American Indian Policy Review Commission suggested that emphasis be placed on economic development for the benefit of Indian people and be implemented throughout the Federal government. We can only assume this recommendation is as opposed to non-Indian ownership, employment of non-Indians, etc. The report also suggested new initiatives in economic development utilizing third development mechanisms such as the International Monetary Fund and others. Perhaps issues such as these can be explored by a sophisticated team of experts, recognized as having expertise in economic development and suggested major policy is to be considered in Indian economic development.

Major policy and implementation can be initiated very quickly within the Bureau correcting such practices as pointed out in numerous reports and studies.

PRO	CON
- Would have little adverse affect on present organizations and employees in these functions.	- May conflict with other major policy, i.e., Trust Protection.
- Organizations would clearly understand their mission and objectives.	- Difficult for Field offices to accept if it is contrary to present policy.
- Program integrity would be realized.	- Many offices may claim

- Realistic assessment of accomplishments and impacts would be realized.

- A sharp focus on putting all Indian resources to work for the benefit of Indians would commence.

lack of resources to implement policy.

- May require lengthly Manual changes from 6 to 12 months duration.

Impact:

Bureau staff at all levels, as well as tribal leadership will clearly understand Bureau mission as it reflects the economic development commitment of the Bureau.

Conclusion:

More attention should be directed toward the Indian point of view regarding economic development. Although they differ, most tribes desire to be self-sufficient so they may also enjoy the quality of life in their own way. Indians strongly feel they want to end dependency on the government and utilize their own resources (human and natural) to achieve self-sufficiency. To accomplish this, they need Federal assistance.

Reports indicate three types of assistance are necessary for economic development - tribal jurisdictional control over factors related to economic development, availability of capital for development, and management assistance to encourage and develop tribal managerial skills. The American Indian Policy Review Commission recommended a new program for reservation development to be applied to the causes of under development rather than its symptons. The report suggested an American Indian Development Authority (AIDA) be established by Congress as an independent Federal agency to provide technical assistance and development capital to the tribes. With the mood of Congress toward Indians being what it is and its impact resulting in the probability that major legislation benefiting Indians will be slow coming, new initiatives on the part of the Bureau concerning economic development will also be difficult to implement. Meanwhile the most effective use of funds, manpower and resources available in the Bureau, both in the field and Central Office need to be utilized in an efficient manner to assist the tribes in achieving economic self-sufficiency.

It is the trend to establish numerous programs for Indians in various Federal agencies under the assumption of "improvement in services." It is far-fetched to think that programs the Bureau once had will ever be regained. Why did the Bureau lose these programs in the first place? Are we doing things now to perpetuate the trend that in the final analysis will result in the Indians losing their own agency?

A more profound concern of the Bureau and the tribes is the danger of losing natural resources without the tribes gaining any economic benefit.

IV. Recommended Alternative

Nothing less than clear economic policy for all levels of the Bureau's organization and infrastructive realignment to complement the policy will attempt to bring down the formidable barriers to achieve results in economic development.

This team recommends that nothing less than a full directorate for this function should be considered and all programs concerned with the function should be placed in the Office of Business and Economic Development.

DECISION DOCUMENT

Recommendation #26

The organizational units of the present Office of Indian Services should be carefully reviewed, and realigned or reinforced as necessary to support a clearly-defined comprehensive Community Services approach to reservation and community needs; needs should be established by Indian tribes and Alaska Natives, and the services delivery planning and implementation systematically linked with other planning such as for education and training, business and economic development, community jobs/skills availability and resources.

I. Objective

To provide technical and financial assistance to 493 recognized tribal governments in activities directly related to Tribal governmental functions.

II. Background

The Office of Indian Services provides staff support to the Assistant Secretary - Indian Affairs through the Deputy Assistant Secretary - Indian Affairs (Program Operations) in the development and management of Bureau programs designed to promote the welfare and development of individual Indians and Alaska Natives and communities in developing local government services for Indian and Alaska Natives communities, and to assist tribes in developing their capabilities for self-government. Assistance is provided to tribes with respect to government organization, documentation and processes as well as elections, membership rolls, judicial objectives and the general conduct of tribal government business.

The programs under the direction of Indian Services are Aid to Tribal Government, Social Services, Housing, Law Enforcement, Planning and Self-Determination Services.

In carrying out its responsibilities for these programs, the Office of Indian Services is basically concerned with planning and developing policies, standards, and procedures for program operations; it also is directly involved in allocation of resources among the programs; and from time to time makes recommendations to the Assistant Secretary regarding changes for modifications in program operations.

The accomplishments of this activity are manifested in the actions taken by tribal governments to provide services to their members. It is also proper to recognize as outputs of the program the accomplishments of the Bureau in processing rolls, judgement awards, and tribal governing documents.

1. Tribal Government Programs. These programs are closely related in that they all provide resources which directly assist tribes in providing government services to their members, or enable

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the Bureau to meet its responsibilities with respect to various tribal government requirements such as rolls, claims, elections, planning and judicial services.

2. Social Services. Provides Indian people and communities with financial assistance and social services which will enable them to effectively cope with individual and community social problems. The operational elements of the social services program are general assistance, child welfare assistance, miscellaneous assistance and social services.

3. Law Enforcement. Law Enforcement Services furnishes programs for the prevention and deterrence of crime; enforcement of and investigation of violations of tribal and federal laws; detection of and apprehension of offenders; maintaining and operating places of detention; coordinating with appropriate United States attorneys for prosecution of violators of Federal law; supervising or coordinating efforts to assist tribal, state and federal probationers and parolees into making successful re-entry into their respective communities; developing models and assisting tribal governments in development of viable community based alternatives to the incarceration of chronic alcoholic offenders; operating an Indian Police Academy for training of all tribal and federal law enforcement officers in all phases of reservation criminal justice services.

4. Housing. Provides programs leading to the elimination of substandard housing on Indian reservations. Implements the Housing Improvement Program (HIP) and provides technical assistance and advice to Indian housing authorities, Indian tribes and Indian people in order to obtain the maximum benefits possible from the federally-assisted housing programs of the Department of Housing and Urban Development (HUD).

5. Self-Determination Services. Provides necessary program administration for the grants, training and technical assistance, and the contract support functions which are incorporated in P.L. 93-638. Responsibility is limited to the programmatic aspects of these three functions in contrast with the Assistant Secretary's 638 policy group which basically is concerned with the policy implications of the Self-Determination Act as they apply to all Bureau programs. The Indian Services' specific responsibilty is limited to those functions mentioned above and which are directly involved with the improvement of tribal governmental capacity and enhancing tribal ability to contract operating Bureau programs.

III. Alternative Approaches

A. Alternative #1

Accept Task Force Recommendation. The organizational units of the present Office of Indian Services should be carefully reviewed, and realigned or reinforced as necessary to support a clearly-defined comprehensive Community Services approach to reservation and community needs; needs should be established by Indian tribes and Alaska Natives, and the services delivery planning and implementation systematically linked with other planning such as for education and training, business and economic development, community jobs/skills availability and resources.

Discussion:

Clear cut organizational recommendations regarding community services is not possible at this time. For instance, the AIPRC recommended that federal policy have the long term objective of developing tribal governments into responsible, fully operational local governments, including justice systems. We have no indication of adequate tribal needs assessments procedures, and little background regarding the Federal and States taxing procedures. Indian Services Director, Mr. Krenzke, stated he believed G.A.O. Reports found the Office of Indian Services to be functioning in an acceptable manner and many social services are outside B.I.A.

We want to emphasize that by merely reorganizing the Central Office functions is far from reorganizing for improvement of services at the reservation and local level. To this end, this alternative suggests the Bureau implement a thorough review to determine how the Office of Indian Services can provide impetus to a comprehensive Community Services approach.

PRO

- Common standards for requirements to be set as feasible within State and other mandates.
- Focus needs on training of tribal and BIA personnel to eliminate malfunctions of delivery of services.
- Assess of needs of tribe with support of Bureau - needs to be coordinated with needs assessments for other government programs.
- Change name to Office of Community Services to underline the comprehensive planning framework approach.
- Will serve to reinforce mission if needs of constitutents determine program functions.

CON

- Diversity of tribal needs prevent clear cost organizational recommendations.
- No current coordination of Bureau training facilities and programs.
- No present coordination of needs assessments.
- Confusion of roles in field offices.

Impact:

The diversity of tribal and native needs is so great that a single clear-cut organizational recommendation in this area is not possible due to highly localized nature of municiple services for the various Indian and Alaska Natives Communities. Consideration should be given to setting a common standard for requirements insofar as it is possible within State and other applicable mandates.

The overall management systems improvements, and the recommendations with regard to training of both BIA and tribal personnel elsewhere in this report will have clear, positive results on some current malfunctions in delivery of Indian Services, as will the budget oriented recommendations regarding contracting under 93-638.

Needs should be assessed by tribes with support of the Bureau -- needs assessments can in many cases be coordinated with needs assessments for impacting other government programs benefiting Indians.

A planning, implementation, follow-through and evaluation sequence needs to be designed to provide a recognized Community Services planning framework within which individual Indian tribal and Alaska Natives needs for services and capabilities by the Federal government to provide services can be systematically arrayed and planning implemented to deal with these needs. Existing systems and relationships with individual tribes and Alaska Native corporations which are working to their satisfaction will be preserved.

Changing the name of the present office to the Office of Community Services will give the appearance of underlining the comprehensive planning framework approach, however, clear policy reflecting this concept should be implemented immediately.

A special effort should be made by offices responsible for Public Information and for communications with Indian and Alaska Native constituencies to ensure success stories and useful experiments are relayed to other communities as options for solving their problems and improving the Indian quality of community life.

B. Alternative #2

Realign the present organizational units of the Office of Indian Services to transfer the Division of Housing into the Office of Tribal Resources Development, transfer the Division of Job Placement and Training from the Office of Tribal Resources Development into the Office of Indian Services and transfer the Tribal and Administrative Accounting Services Staff from the Office of Trust Responsibilities into the Office of Indian Services, as recommended in Task Force number 25 and AIPRC report.

Division of Housing to Office of Tribal Resources Development -

PRO	CON
- Housing program represents economic activity and opportunity associated with tribal construction companies, job skills and a major economic indicator.	- No control of the bulk of housing dollars.
- Housing transfer would complement philosophy of housing services to one of economic opportunity.	- RIFS may be required creating anxiety and work stoppage.
- Potential market for construction companies without loss of services.	- Housing programs result in a home for Indians and is not necessarily an economic opportunity.

Division of Job Placement and Training to Indian Services -

PRO	CON
- Job placement and training transfer would coordinate training and placement with other functions in Indian Services as it is.	- Job training is not on employment service, e.g., it is more a resource development function with the manpower development function primary to the mission of economic development.
- Job placement and training could be redefined vis-a-vis community services to meet specific needs of tribal government.	

Tribal and Administrative Accounting Services Staff to Indian Services -

PRO	CON
- Audit function is more closely aligned to services in tribal government.	- RIFS may occur.
- Like functions be organized into directorate with those functions.	- Move generally affect morale of employees concerned.

Impact:

This alternative realigns the functional organization of the Office of Indian Services in that the Division of Housing Services will be transferred into the Office of Tribal Resources Development. The housing programs represent economic activity and opportunity and the transfer would complement the philosophy of housing services to one of economic opportunity.

Job Placement and Training is a function leading to the development of job opportunities, on-the-job training, and other services needed to enable individual Indians seeking work to secure and retain suitable employment. The programs relate to direct employment services on and off reservations that are consistent with economic development, however, they could be associated with Community Services.

Tribal and Administrative Accounting Staff provides accounting services as requested to Tribes. This service includes analyzing tribal accounting systems of the Tribes and is closely related to the Division of Tribal Government Services in the Office of Indian Services.

C. Alternative #3

Leave intact but change name to the Office of Community Services.

PRO	CON
- Present organization appears to be effective.	- No current coordination of Bureau training facilities and programs.
- Save reorganization expenses.	- No present coordination of needs assessments.
- Focus on goals at reservation level.	- Confusion of roles in overall programs.
- Will not separate key elements of self-determination grants and technical assistance from tribal government and community services.	- Realignment results in employee anxiety and work interruption.

Impact:

Present organizational structure of the Office of Indian Services appears to be presently operating effectively and does not reflect a need for realignment. This present operation structure would continue to operate in this manner if, as the Task Force recommended, the name was changed to the Office of Community Services.

The operational head of the Bureau, through policy setting directives, should require the Office of Indian Services to set a common standard of requirements for delivery of services keeping in focus the diversity of tribal and native needs.

The recommendations of other teams in this Planning/Review phase will undoubtedly have positive results on any malfunctions of this office with regard to the training of BIA and tribal personnel as will the recommendations on contracting under 93-638.

V. Team Recommendation

Alternative #1 to accept the Task Force recommendation is the recommendation of this team. We concur with the Task Force that the name be changed to the Office of Community Services. The organizational units of the Office of Indian Services needs to be reviewed, realigned or reinforced to support a clear, defined, comprehensive approach to reservation and community needs. Needs to be assessed by tribes with Bureau support and where possible coordinated with needs assessments for other government programs.

Planning, implementation, follow-through and evaluation sequence must be designed to provide a recognized Community Services planning framework. Within this framework, individual Indian and Alaska Native tribal needs can be systematically set out and dealt with by quality service delivery.

DECISION DOCUMENT

Recommendation #27

A statement of the philosophy of Education for Indians and Alaska Natives should be formulated.

I. Objective

Develop a new education philosophy for BIA Education.

II. Background

Many statements have been made about the Education part of the BIA Manual since it is here that a philosophical statement is ordinarily found. The basic philosophical statement hasn't been modified since 1953. This, may not seem too crucial when one considers that the philosophy of education is general and should last a long time. Nonetheless, there have been changes in Indian education since 1953, with special emphasis on Indian Self-Determination, and these need to be reflected in the Bureau's philosophy of education.

The role and function of Indian culture in the education of Indian children is not a clear-cut mandate. Indeed, one comment coming from the field indicated that the BIA didn't need an education philosophy at all as this was the job of the respective tribes. In this sense, Indian culture is perhaps not a function of the Federal Government. On the other hand, it seems very much to be a function of tribal government.

Consistent with the overall mission of the Bureau of Indian Affairs, a statement of the philosophy of education for Indian and Alaskan Natives should be formulated appropriate to the complexity of the goals and objectives it will attempt to define. The BIA started a few weeks back to develop a revised mission statement for its Education activity. This statement has been drafted and meets many of the requirements described in the recommendation. The statement, which follows, is specific regarding the Office of Indian Education Programs of the BIA, but with modification, it could serve well as a new philosophy statement for Education.

A draft of the Mission Statement by a committee of Assistant Area Directors for Education follows:

The mission of the Office of Indian Education programs is to provide comprehensive educational services from early childhood through adulthood to Indian people to meet their perceived needs in consonance with existing legislation.

In carrying out this mission, the Office shall adhere to the following policies:

(1) Educational needs shall be defined by the recognized tribal governing body.

(2) The Office of Indian Education Programs shall serve as an advocate for Indian education needs and shall provide support to Area Offices in meeting these needs.

(3) The Office of Indian Education Programs shall serve as the coordinative office with other government agencies in matters concerning Indian education.

(4) The Office of Indian Education Programs recognizes that Area Offices have necessary local knowledge pertinent to policy formulation and program operation of the Office, and will consider such knowledge in carrying out its mission.

In carrying out the above policies, a data base and a management information system are essential.

III. Alternative Approaches

A. Alternative #1:

Organize a committee of Indian people to write a new BIA philosophy of education.

PRO	CON
- Would replace existing philosophical statement	Lack of Federal participation
- Would modernize statement to reflect Self-Determination, Indian culture and language	- No assurance this will be done by Indians in the field of Education
- Maximizes Indian participation	- Philosophy statements inconsistent with Administration policy may be developed

Impact:

A new mission statement or education philosophy statement could have a significant impact on the Education program. This impact would be reflected in developmental work in curriculum development regarding cultural studies; increased services in career development; and strategies of self-determination in education that improve individual options. These innovations will require increased funding or appropriations from the Congress. Increases in monies will be greatest where the least amount of developmental work has been done, such as cultural studies. Other changes may be more managerial than substantative and will require training as contrasted to basic development. In summary, a change in philosophic direction will require increased expenditures.

B. Alternative #2:

Develop a new education philosophy for BIA by taking and modifying the mission statement being developed by the Assistant Area Directors for Education.

PRO	CON
- Less expensive	- Biases may be included
- Appropriate placement of responsibility	- Lack of tribal input
- More efficient	
- Most of work already completed	

Impact:

A new mission statement or education philosophy statement could have a significant impact on the Education program. This impact would be reflected in developmental work in curriculum development regarding cultural studies; increased services in career development; and strategies of self-determination in education that improve individual options. These innovations will require increased funding or appropriations from the Congress. Increases in monies will be greatest where the least amount of developmental work has been done, such as cultural studies. Other changes may be more managerial than substantative and will require training as contrasted to basic development. In summary, a change in philosophic direction will require increased expenditures.

C. Alternative #3:

Using government contracting procedures, develop a new BIA philosophy of education statement.

PRO	CON
- Would mitigate any BIA bias	- Too expensive
- Provides for Indian control of process	- Lack of Federal employee involvement

and product	- Scope of work too small for contracting

Impact:

A new mission statement or education philosophy statement could have a significant impact on the Education program. This impact would be reflected in developmental work in curriculum development regarding cultural studies; increased services in career development; and strategies of self-determination in education that improve individual options. These innovations will require increased funding or appropriations from the Congress. Increases in monies will be greatest where the least amount of developmental work has been done, such as cultural studies. Other changes may be more managerial than substantative and will require training as contrasted to basic development. In summary, a change in philosophic direction will require increased expenditures.

IV. Recommended Alternative

Alternative two is recommended.

This alternative would meet the recommendation's requirement in an efficient and cost-effective manner. While a philosophy statement is imperative, it is not a large undertaking. The integrity of Indian involvement would also be met in this approach.

DECISION DOCUMENT

Recommendations #'s 28, 31, 32 and 33

Review by the follow-up committee resulted in the determination that Recommendation 28, 31, 32 and 33 be consolidated and addressed simultaneously.

Recommendation #28: A set of goals and priorities should be systematically developed consistent with the above philosophy.

Recommendation #31: Plans for all education-related activities should include statements or steps which recognize or reinforce Indian and Alaska Native cultural heritage as a basis for identity and strength - as tribes, communities, and as individuals.

Recommendation #32: Steps should be taken to upgrade the caliber of education offered in BIA schools and other schools which serve Indian and Alaska Native participation.

Recommendation #33: Community and tribal needs assessments, adequately funded, should be started immediately with full local Indian and Alaska Native youth.

I. Objective

The BIA should develop an ordered set of education goals and objectives. These, in turn, should reflect the need for reinforcement of Indian and Alaska Native cultural heritage, an improved, higher caliber or quality of education, all of which are compatible with and relate strongly to tribal education needs assessments.

Introductory Comments:

In reviewing the above four recommendations, it appeared to the follow-up committee that all relate to a comprehensive education plan that will reflect tribal input into planning. The four recommendations are interrelated. Actually, the needs assessment process provides what is called for in the four recommendations. The first task in a need assessment process is the development of education goals which reflect perceived needs. Then, these are compared to the existing situation and the differences become educational needs -- which may be placed in priority to provide direction to the education program. The needs assessment process will provide answers to Recommendations 28, 31, 32 and 33.

It is perhaps noteworthy that these four recommendations have also been mentioned. The American Indian Policy Review Commission's Education Report and other reports as well. Perhaps more important than these is the fact that the Assistant Secretary - Indian Affairs and his Deputy for Programs have already started a major activity within BIA that will essentially deal directly with the four recommendations. In the view of the follow-up committee, the recommendations are timely and do reflect something of a consensus of thinking in Indian education.

II. Background

Recommendation 28 has recently been addressed directly by the BIA in testimony before the House Appropriations Committee. There is very little difference between Recommendation No. 28 and the testimony and no difference between them regarding a general purpose. BIA testified that it will develop goals and objectives which will be used to prioritize and evaluate the education program. In this sense, Recommendation No. 28 is already being implemented by BIA.

It is perhaps appropriate to mention comments on the Reorganization Task Force Report that have been forwarded to the Central Office by tribes, and by BIA Area and Agency offices. One Area office made the point that tribal governments should control the goals and objectives of education programs for their membership, therefore, it is not appropriate for the BIA to develop Indian education goals and objectives. While this may be something of an extreme position, it does represent a valid one. It is also important to point out that the BIA testimony and commitments to the House Appropriations Committee placed the Bureau in a position of working with tribes toward the development of tribal Comprehensive Education Plans.

Recommendation No. 31 deals extensively with cultural studies as a means to improve Indian education, especially to provide options of life-styles available to Indian youth. Indian education needs assessments that have been conducted have also included cultural studies. The results vary but are pertinent. The Alaska Native Needs Assessment (Project ANNA) placed the need for cultural studies in high priority. The Oklahoma Indian Education Needs assessment included cultural studies and found that while important it was in a lower priority than the teaching of the three R's and providing adequate counseling and guidance services to Indian youth.

It is noteworthy that there is virtually no research devoted to testing the effects of cultural studies on Indian students. The most recent review of the literature concerning needs assessments in Indian education (which covered research from 1971-76) was conducted by the National Indian Education Association (NIEA). NIEA was under contract to the U.S. Office of Education and their office of Indian Education to provide a review of literature as a first step of a national Indian education needs assessment. So far, only the literature review has been completed.

The review of literature treated cultural studies under curriculum and titled this part, "Controversy Over Cultural Studies Programs." In an objective and comprehensive manner, they present the different points of view found in the literature. One author found that cultural studies offered little toward providing alternative values when compared to those of "competitive, urban" America. The NIEA researchers offered comments regarding cultural materials. They said, "The inclusion of such materials, as an expression of the school's official policy to sanction Indian culture, can aid in alleviating feelings of worthlessness and self-deprecation among Indian students."

Indian tribes are the custodians of Indian culture and only they should have the authority to include or exclude cultural studies in the school program. This position is consistent with Indian Self-Determination. The NIEA review of the literature presents material written by Dave Warren, the Director of BIA's Cultural Studies staff (which recommendation No. 31 believes should be expanded). Warren believes that cultural studies can be of assistance to tribes when deciding their own cultural policy. NIEA quotes Warren regarding cultural studies. "The Indian community itself can evaluate those elements of tradition that have provided the alternatives for maintaining cultural viability . . . . An understanding of the universal values enduring in Indian life and a recognition of the special resources of the Indian Community will emerge." (pp. 61-62 of the NIEA report) From this statement, it can be concluded that Warren, too, believes that tribes are the locus of control regarding Indian culture.

The follow-up committee is acutely aware of the lack of experience and research which shows the effects of cultural studies. Nonetheless, like NIEA, we wholeheartedly support cultural studies as a part of the tribal education program. We cannot, however, support the part of the recommendation which recommends the expansion of the BIA Central Office bureaucracy on the basis of cultural studies.

Tribal governments and Indian communities are the sole guardians of Indian culture and they will want cultural studies included in their education programs as expressed by their tribal governments. In keeping with Recommendation #32, the Reorganization Task Force said, "As a general rule, the maximum dollar amounts should go to local levels, distributed on the basis of the needs assessments of the tribes themselves." There appears little justification for building up the Federal bureaucracy in such an important area of concern, especially when such a build up will mean correspondingly fewer dollars can be made available to tribal governments.

Recommendation #32 deals with a broad scope of concerns related to improving the caliber of Indian education. One concern expressed in different places in the recommendation pertains to the training or education of teachers. Teachers and administrators need to be sensitized to Indian children. Orientation programs regarding Indian culture are needed. This need had a high priority in the Oklahoma Education Needs Assessment and it appears to us that public school teachers are in need of cultural orientiation perhaps more than are those in BIA schools.

As for the education of Indians in the critical disciplines, we reviewed the past and found that an institutional approach to training needs works. But it is expensive. The recent decades of Indian affairs has shown that institutionalizing the relocation of Indians from reservations to cities worked. The same can be said of the Indian law program. Providing a single center for training Indian law students has done just that; it has provided Indian lawyers. On the other hand, the Reorganization Task Force pointed out that the 40 percent overhead of such programs is expensive. Institutionalization of education in critical areas of need will work, but it will also be very expensive. There are perhaps other approaches that should be explored.

In Recommendation #32, the Task Force suggested development of a school accreditation system. This is a difficult issue with which to deal since there is no research covering the issue. Reported experiences of BIA educators are both positive and negative. One struggling contract school could use some standards from the BIA to upgrade the caliber of education programs. On the other hand, one of the best Indian controlled schools in the country maintains they have been able to develop their unusual program achievements because they have not had to follow BIA, state, or regional accreditation requirements. The issue needs further study.

The role and function of off-reservation boarding schools was raised in Recommendation #32. It was reported that the Deputy Assistant Secretary - Indian Affairs (Program Operations) has recently appointed a committee which will cover all the concerns raised. It should be pointed out that the "open enrollment" concept and procedure contradicts recent position papers being circulated within the BIA. These position papers were written by the Division of School Facilities, Office of Indian Education Programs. The concept put forth would not allow for open enrollments nor would it allow for tribal determination of attendance boundaries. Rather, there would be restricted enrollment at each off-reservation boarding school and the attendance boundary would be determined by the Director, Office of Indian Education Programs. We believe the attendance boundary paper being circulated takes a somewhat extreme position regarding boarding schools. It would be best to review the situation and provide an attendance boundary that provides for a determination by local tribes and BIA officials which combines local attendance boundaries with a percentage of open enrollment.

Recommendation #32 describes what can be called a "research and development" function for BIA education. There seems general agreement among several sources that this is a needed function for BIA education. Research and development would be the identification of proven practices and the dissemination of them to schools throughout the nation. The follow-up committee believes that this is a viable BIA function, especially since the BIA is evolving toward a technical service unit as compared to an operational agency.

Recommendation #33 calls for the BIA to support the development of tribal education needs assessments. It has already been pointed out above that this is indeed the direction BIA is taking. We believe that such an approach is in keeping with Indian Self-Determination and support all efforts aimed in this direction.

In conclusion, Recommendation #32 discusses the administration of higher education grants and calls for developing standards. The committee in reviewing the situation believes that the existing administrative procedures which utilize the Financial Aid Officer(s) at colleges and universities are satisfactory and should continue to be used.

III. Alternative Approaches

The follow-up committee believes that only one alternative is required for their part of the Reorganization Task Force work.

A. Alternative #1:

The BIA should develop an ordered set of educational goals and objectives that are compatible with and reinforce tribal education needs assessments.

PRO	CON
- Assure Indian input	- Long, expensive process
- Provide direction	- Require an expansion of technical assistance services from the BIA to tribal governments (more personnel and additional cost)
- Place BIA in supportive role to tribal governments	
- Improve quality of education	

Impact:

The ultimate impact of this objective will be positive and should provide needed ordering and direction to the BIA's education activity. It will be expensive and will require program development time on the part of BIA staff. The impact should be felt on the school or local level from where such needs will emanate. An improved quality of education should be the true result. A mechanism will be established which will make it possible to measure results.

IV. Recommended Alternative

One can always choose not to do anything and this could be an unstated but implied alternative. However, the only proposed alternative is so appropriate and well taken that we think the BIA has little option but to carry it out. This also seems more than reasonable in view of the fact that the BIA, on its own initiative, has already mounted a program reflecting the alternative.

DECISION DOCUMENT

Recommendation #29

Maximum participation of Indian and Alaskan Native parents, tribal governments, and Indian education experts should be systematically sought in the decision-making process in the community, the region, and Washington.

I. Objective

Indian participation in education should be gained by expanding and improving the existing system, which involves tribal governments as the controlling groups.

II. Background

This recommendation expresses a frustration of Indians not being involved in Bureau decision-making and in managing the Bureau. An elaborate structure of interlocking working committees is recommended to provide Indian participation at all levels of BIA operation, national, and regional. Though it is not clear, the follow-up committee interpreted the recommendation to mean that the working committees would have legal authority and control regarding Bureau employees with whom they would be interfacing. For instance, school boards related to Bureau schools would have full authority to run the schools. As the recommendation states, "...with board having authority for operations including contract negotiations, budget approvals, hiring and firing of staff;..." The recommendation is very comprehensive in its scope.

The follow-up committee had trouble relating the recommendation to the Bureau procedure to work through tribal governments. As a matter of fact, the Educational Reorganization Task Force recommendation in general does not mention tribal governments, per se, and deals mostly with tribal input, Indian organizations, Indian advocates, experts, etc. Regarding Indian participation in the Bureau's Education program, it will have to be carried out through tribal governments.

Tribal government involvement, also, means that whatever board of education is created at the local level, it should receive its authorization from the appropriate tribal government or governments.

The follow-up committee cannot support boards of education that are not created by tribal governments.

The type of board of education for schools that is recommended would require Congressional action similar to that contained in H.R. 15, Title XI, "The Indian Education Act." Without authorizing legislation, Indian school boards of BIA schools will remain advisory and the real authority recommended will not be legally possible.

Members of the follow-up committee mentioned that the extent of

Indian participation and involvement at the school level very much depends on the attitude of the local school administrators. Local school principals and superintendents have great latitude now to involve Indians.

The procedures contained in the Code of Federal Regulations pertaining to Public Law 93-638 cover serveral of the points made in this recommendation. For instance, regulations already in existence provide a mechanism for Indians to assume control of schools in a manner similar to what is suggested in the recommendation.

It is possible that the recommendation meant that Indian school boards should have real authority over a Federal school without assuming control through existing procedures. If this is what was meant, it should be looked at very closely. One real caution would concern the relationship between the school board for a Federal school, as suggested, and the tribal government. If the recommendation means to bypass tribal governments, and they are never mentioned as playing a role, then this could have serious negative consequences for the policy and regulations which support strengthening tribal governments.

The recomendation seems to want school board type groups or committees with real authority that would work side by side with Federal employees. This would be a remarkable departure from the historical role of school boards in America, which set policy and provide general governance. School systems wherein school boards administer the schools are always over-burdened with problems and never are well run.

Regarding the hiring of school staff and the Civil Service, there are already procedures in 93-638 which provide for a tribe to assume all the control of a program. The recommendation which calls for out-placement of displaced Federal employees is sound and some work in the Congress is progressing on this issue.

A problem related to Civil Service concerns the hiring and firing of education personnel, especially teachers. Experience over the past five years has shown that the current nationalization of hiring works to the disadvantage of BIA schools. It is a fact that there is a shortage of teachers in many BIA schools and this is occurring during a massive surplus of teachers nationally. The shortage is directly related to the hiring system established by the Civil Serivce Commission. The follow-up committee believes this problem should be solved and that local school officials should be able to hire as vacancies occur.

The recommendation is confusing in that it assigns responsibility for needs assessments to the standing-working committees. In another recommendation (no. 33) dealing specifically with needs assessment, responsibility is assigned to tribes. The conflict between the two is solved when the Bureau's policy and procedure of working through tribal governments is followed.

Reference is, also, made to tribes establishing educational service centers, which would apparently be on a regional basis. Tribes are seeking educational services on an increasing scale. The approach taken by the BIA to the tribes' requests has varied. If the BIA can provide the service and the tribe is willing to accept it, this method is provided. If the BIA can't provide the service and there is enough money in the budget, the tribe is funded and they locate their own technical services. Past discussions in the BIA have pointed to the area offices which are to provide technical services to tribes. This is especially the case in support of Indian Self-Determination. The follow-up committee supports this concept and believes that in time the entire BIA will become a technical service unit supportive of Indian tribes. However, the transition in the BIA toward technical service has not been mounted in education and Area Offices remain substantially operations oriented. This is beginning to change as tribes make increasingly more requests for technical services. The follow-up committee accepts the efficacy of technical service centers to provide services to tribal governments in education. The organizational structure of technical services in education suggested by the follow-up committee is provided in the treatment of Recommendation No. 30. The follow-up committee recommends that direct technical services in education to tribes be a responsibility to Area and Agency Offices with back-up to them from a Central Office field based unit in "consultative services."

There is, however, merit in providing money for technical service directly to tribes and allowing them to cooperatively establish their own center. This is exactly what is happening on a statewide basis in New Mexico. There is an inter-tribal effort being mounted by tribes to establish a technical service center in education at the University of New Mexico. It might very well be that the BIA could pursue this approach along with tribes. Technical services from a university base have an advantage over those from a BIA base. It may be the same people providing the same service, but the tribes are more suspicious of the BIA and they view the university as being more unbiased. It might be possible for the BIA to establish such a center or centers jointly with universities utilizing IPA's to mix with university staff.

Recommendation No. 29, also, calls for establishing a national board of Indian education. The authority of this board would parallel that of the local boards. When viewed from top to bottom, the recommendation calls for running the BIA's Education program by committee. It should be pointed out that the BIA had a national advisory committee on education that existed for about three years. The committee was later terminated. In a recently written comment paper regarding the Department of Education and H.R. 15, Title XI, the Papago Tribe of Arizona stated they did not need a national committee on Indian education. The Papagos believe their existing local structure is sufficient to meet their needs. The follow-up committee believes that there is basic contradiction between a national school board on Indian education and Indian self-determination in education.

It should be mentioned that the recommendation deals mostly with Federal school operations. It would be difficult to extend the proposed boards to public schools which already have local school boards. This is a basic limitation of the recommendation.

The cost of establishing the various committees would be great and the time it would take to fully implement them would, also, be great. The basic relationship between the proposed committees and existing tribal governments and their already established education committees and boards has not been addressed by the recommendation.

True accountability comes when budget, personnel and program direction are controlled. It should be understood that money for BIA Education still comes from the Congress and the proposed committee would not have full control. There would be only limited control when this is taken into consideration.

III. Alternative Approaches:

A. Alternative #1:

Indian Education committees should be established at the national level, regional levels, and in some instances community levels.

These committees have the basic responsibility of providing immediate direction and control to Bureau activities that reflect Indian participation. The committees would have authority to hire and fire Bureau and school employees and would control the budget and content of the Education Program.

PRO	CON
- Would solve Indian frustration in BIA decision-making process	- Structure is essentially unworkable, as authority over BIA employees would be placed in the hands of the committee
- Would provide Indian participation as committee would have authority over BIA	- Committee cannot administer programs
- Selecting membership from regional Indian community composition would streghthen BIA's responding to Indian desires	- Structure would have real authority and would not be a creation of Indian tribal governments
	- Enabling legislation must be passed by Congress before implementation

Impact

This objective would require that additional funding and positions be made available to support the committee structure. The costs of operating via committees would be greater due to increased need for staff to support the committees and for time for the committees to act. The impact would be administrative, which would virturally immobilize the BIA.

B. Alternative #2:

The existing Indian participation procedures regarding the operations of Bureau education programs should be improved and expanded.

These procedures place tribal governments in a controlling role regarding official participation in BIA programs and uphold the policy, laws, and regulations regarding Indian Self-Determination.

PRO	CON
- Gaining Indian participation is a sensitive and difficult task to achieve so that it is meaningful to the Indian and to the BIA	- Tribal governments need additional assistance in Education, so they can give full attention to more urgent matters, such as water and mineral rights
- Mechanism established by the BIA which works through tribal governments is viable, since the purpose is to strenthen tribal capability to manage their own affairs	- Not unusual in American government to assign Education function to a unit other than the tribal government
- Tribal governments are being strengthened and it would be unwise and unfair to replace the mechanism with another structure	

Impact:

The impact would be improved communications between the BIA and tribe regarding participation in BIA Education activities. There might be additional costs for training BIA employees in communication techniques.

IV. **Recommended Alternative:**

Alternative No. 2 is recommended. The follow-up committee believes that the existing structure and procedures for Indian participation which are directed through tribal governments should be given a trust test over time before establishing an alternative to it.

DECISION DOCUMENT

Recommendation #30

Changes should be made in locations of key Bureau of Indian Affairs education-related organizational units, to assure (a) a focused central direction for all educational programs; and (b) the most efficient distribution of technical assistance resources.

I. Objective

To provide a focused central direction for all education programs and to provide the most efficient distribution of technical assistance resources.

II. Background:

The treatment of this recommendation by the follow-up committee is prefaced with what it feels is a managerial axiom, the Director of Education for Bureau of Indian Affairs will cast his/her organizational mold on Central Office Education. Certainly, the recommendations of the Reorganization Task Force will lend guidance and direction, but the Director will do much to deal with the content of this recommendation. Improved cooperation and management would do more than anything else to to place Education activity of the Bureau of Indian Affairs on a sound footing. This is especially the case regarding Central Office Education.

The follow-up committee approach to the recommendation is two dimensional: (1) The consideration of non-education activities that are not currently found in the Education Office, and (2) geographic locations of the current Education offices.

There were two non-education activities that are being reviewed regarding their being moved to Education: (1) The Adult Vocational Training Program (AVT); and (2) Indian Technical Assostance Center (ITAC), both of which are now organizationally assigned to the Office of Tribal Resources Development. Comments provided here are based on (1) Interviews with program personnel from these two activities; (2) Existing DM 130 functional statements; (3) Individual position descriptions; (4) Audit report of AVT; and (5) Previous reorganization background materials.

The Adult Vocational Training (AVT) Program was described by their representative as job related and the audit report stated that their major objective is to "... raise the income and employment level of of the Indian people."

The following table provides basic information on AVT:

TABLE 1
ADULT VOCATIONAL TRAINING

	FY 1976 Actual	FY 1977 Estimated
In training at start of year	3,134	3,104
New entries during year	6,174	4,714
Total number in training	9,308	7,818
Completions	3,235	2,736
Discontinuances	2,969	2,502
Carryovers - end of year	3,104	2,580
Placements	2,750	2,326
Average cost/participants	2,161	2,200
Average cost/completion	6,214	6,287

The historical roots of the AVT program are important as it was originally intended to provide employment for reservation-based Indians who did not have jobs on the reservation. In this sense, AVT was and is perhaps the main symbol of the Termination Policy. While this may be the case, the present purpose of the program relates to jobs regardless of their location on or off reservations. The redirection of the program is contrained in the DM 130.4 release which states that the program is to foster "...the development of job opportunities, on-the-job training and other services needed to enable Indian individuals seeking work to secure and retain suitable employment."

The audit report deals extensively with program effectiveness and minimally with program content. The report points out that participants are expected to earn credits for training and it says that the program is aimed at "...unskilled Indians who are enrolled in approved vocational training courses which should culminate in suitable, fulltime employment." In this sense, it is a program in vocational education.

The audit report also discussed program problems which appear to be similar to the committee discussions of the program. The major problem was a lack of relationship between policy, regulations, and guidelines of the program and actual field activities. Field offices carried out the program without much regard for program guidelines and policies.

In reviewing position descriptions, it appears that most of the top personnel are classified as Administrative within the 300 series. Field personnel, however, are classified in the Education series.

The AVT and Education programs merge at the reservation or Agency level. It is here that the participants come to apply for the program. Past experience at the Agency level indicated that there were a few Agencies that combined AVT with Higher Education to make one office and place them organizationally under a single Education function. This worked very well for the participants as they then had only one rather than two or more BIA officials to deal with. The two offices were combined under the concept of "Career Development." At that time (1974) Career Development was the concept BIA wished to develop and implemen; it's two program components were Higher Education and AVT.

It was also pointed out that the participants for AVT are older adults as compared to the students in Higher Education. In view of the fact that there is little or no data on either of these two groups of students (AVT and Higher Education) it was difficult to verify the point.

In summary, it apperars that the AVT program does bear a relationship to Education and that in the past there have been attempts to move the program to Education. The appropriateness of the move now is not clear to the follow-up committee.

ITAC and their programs were reviewed to determine their relationship to Education. This program deals directly with Indian tribes and is geographically located in Denver, Colorado. Its guidelines are quite broad and appear to cut across almost every program in the BIA. The program is carried out through contracts directly to tribes with the tribe being the one to determine the program. There did not seem to be any reason to consider the ITAC program specifically as an Education function. It could just as easily be classified as a road building program.

The geographic locations of the various offices of the Bureau's Education program were reviewed and it was the position of the follow-up committee that three levels would have to remain. These three levels were: (1) Central Office, (2) Area Office, and (3) Agency Office. This also meant that the respective geographic locations would have to be recognized.

Following this discussion, the geographic locations of Central Office units were discussed. It should be noted from above that ITAC which is a Central Office function of the Office of Tribal Resources Development is located in Denver, Colorado. Additionally, there are over 400 Central Office employees located in Albuquerque, New Mexico, including some from the Office of Indian Education Programs. The field location of Central Office units is a long standing phenomenon and is not something unique to the Office of Indian Education Programs.

The geographic locations of the various units of the Office of Indian Education Programs were discussed and it was learned that there are offices in Brigham City, Utah, Santa Fe, New Mexico, and Albuquerque, New Mexico. It was also learned that Central Office Education has had a field based unit or units continuously since about 1950.

The Report of Indian Education, which was written by Task Force Five of the American Indian Policy Review Commission, describes a situation that may bear directly on this recommendation. The Policy Review Commission reported that:

a. In the past 10 years (1966 - 1976), 15 persons have been charged with the Directorship of Indian Education Programs.

b. Of the 15 persons, 4, or 27 percent, were given permanent status as Director of Education (excluding Demmert who received permanent status July 1976).

c. During the 10 years, approximately 73 percent of the 15 Directors served in an acting capacity.

d. In the 10 years (one decade), approximately 40 percent of that time was given to temporary Directorship.

e. The average length of time spent in office by each of the Directors is 6.6 months (p. 121 of the Task Force Five report).

Control of employees and the smooth flow of work and information is a function of sound management, which could hardly be implemented given the changing nature of the Directorship of the Office of Indian Education Programs. Existing programs are perhaps more related to management than to the geographic location of offices. The followup committee felt strongly that following chain of command of BIA organization was needed very much. This bears only a slight relationship to geographic location.

Further discussions of the follow-up committee regarding Recommendation No. 30 dealt with the function of technical services in education, which is related to geographic location. It was stated that the general role and function of Central Office Education is analogous to that of a state department of Education. A state department of education is non-operational.

Using this general role and function as a point of departure, technical services to education activities would be performed by Area and Agency offices. Central office personnel involved with technical services in education would work only on an assigned basis regarding school operations whereas Area offices and Agency offices work regularly and continuously with schools and tribes in delivering technical services in Education. There is a technical service function which is performed by Central Office Education, but it is quite different from that performed by Areas and Agencies. The 12 Areas could be considered 12 school districts functioning within the State Department of Education.

To repeat, BIA Central Office Education is non-operational.

The USOE Handbook on State Departments of Education describes the general functions of a state department of education as (1) leadership, (2) regulatory (teacher certification, procedural due process guidelines, etc.), and (3) consultative services. Consultative services pertains to a school district requesting assistance from the State Department of Education regarding a problem. On the other hand, the State Department of Education may assign an official to go to a school district to evaluate and/or audit some aspect of theirs that appears to the state Department to be a problem. In reviewing the past history of field located units of Central Office Education, it was learned that consultative service was indeed the rationale utilized regarding the field located units. Figures 1 and 2, which follow, provide a usuable distribution of functions, activities and levels. With modification, it could serve as a foundation for organizing the Office of Indian Education Programs.

Figure 1

FUNCTIONS AND ACTIVITIES

Function / Activity	School Operation Coordination	Consultative Services	Contracts and Grants	Communication Services	Legislative Liaison	Research Evaluation and Program Review	Internal Services	General Management
Direction	X	X	X	X	X	X	X	*X
Allocation			X			X	*X	X
Coordination	*X	X	X	*X	*X	X	X	X
Review and Evaluation		X				*X		X
Technical Assistance		*X	X			X		
Project Design		X				X		X
Planning		X	X	X	X	X	*X	X
Budget			X			X	*X	X
Staffing Standards		X				*X		X
Reports and Records						X	*X	
School Contracting			*X					

*Squares denote primary activity or activities of a function.

Figure 2

RELATIONSHIPS AND LEVELS OF ACTIVITIES

Level Activity	Department	BIA Commissioner	Central Office of Education	(Inter) Area	Agency	School
Direction	X	X	X	X	X	X
Allocation	X	X	X	X	X	
Coordination	X	X	X	X	X	
Review and Evaluation	X	X	X	X	X	X
Technical Assistance (Consulting)				*X		
Program Design				X		X
Operation						X
Planning	X	X	X	X	X	X
Budgeting	X	X	*X	X	X	X
Staffing Standards	X	X	X	X	X	X
Reporting & Recording	X	X	X	X	X	X
Contracting			X	X		

*Squares denote primary level for an activity.

III. Alternative Approaches

A. Alternative #1:

The Office of Indian Education Programs should be organized to include Adult Vocational Training and ITAC. All field based units of the Office of Indian Education Programs should be located in Washington, D.C.

PRO

- This arrangement of functions would simplify services for Indians at the Agency or local level
- Fewer employees would be affected by classification series changes
- More direct focus for Education will be provided
- It would simplify tribal governments' ability to deal with the BIA regarding adult-type education programs
- Closer supervison over Education employees will be realized

CON

- Transformation would involve a long and complicated process
- Administrative service would decline until the move is completed
- It would create an addtional program problem for education
- It would be expensive to move employees
- It would be expensive to work out of Washington as compared to a field location

Impact:

The moving of AVT and ITAC to Education would involve a long and complicated bureaucratic process that will take months to carry out and, in the meantime services would probably decline in both AVT and Higher Education. Without the Career Education unifying concept, there seems little need to combine the programs. Education, which already has a great number of problems, would inherit another program. The relocating of field based employees in Washington is expensive.

Past experience has shown that Central Office consultative services performed best and more economically from a field based location.

B. Alternative #2:

The Office of Indian Education Programs should be organized and and located on a functional basis with management functions located in Washington, D.C., and consultative service functions assigned to field locations. AVT and ITAC should not be a function of Education.

PRO

- Transfer on a functional basis would provide a better focus on policy development initiatives and leadership
- Transfer would resolve the problem of fragmented decision-making authority resulting in a better organizational climate
- It would provide an opportunity for reducing costs
- It would provide a clear delineation of duties
- It would provide for accountability
- It would provide for coordination of resources and as a result more direct services will be realized at the Area, Agency level
- It would make the organization more efficient

CON

- Abuse of delegation of authority
- Lag time would impede efficiency regarding ability to respond upward
- There is a potential for two different policies emanating from the same office

Impact:

The potential for improved management is inherent in a reorganization of Education because the situation right now is one reflecting three different organizational structures without any one clearly being adhered to. The impact would be on a budget for travel and, if a Reduction-in-Force (RIF) is necessary, this too could create added costs. It is possible to carry out the reorganization without a RIF, but the probability of avoiding one is perhaps less than 50%. There would be a period of adjustment during which problems would be higher than normal. These problems would cause less efficiency, but this would be a temporary situation. The greater the change, the longer the adjustment period, the more serious will be the problems, the more costs will be incurred, and employees will be less productive for a longer period of time. In other words, the greater the changes brought about through a reorganization procedure, the less effective the office will be until the reorganization is fully implemented. It is estimated that a full implementation and adjustment of a minor reorganization will take from eighteen months to two years to fully implement and go through the adjustment period.

IV. Recommended Alternative

The follow-up committee recommends Alternative #2. Alternative #2 will give direction to the Task Force Recommendation to assure (1) a focused central direction for all education programs, and (2) the most efficient distribution of technical assistance resources.

DECISION DOCUMENT

Recommendation 34

Comprehensive school funding packages should be developed and accompanied by a process for commitment to a relatively stable level of funding.

I. Objective

Develop funding mechanisms for BIA Education that provide a more systematic approach.

II. Background

This recommendation addresses a need to fund Indian education according to identified educational need and to assure adequate funding to meet identified needs. The history of fundingfor Indian education is one of the distribution of scarcity. There never has been enough funds to meet identified needs. There is another aspect of the present system that this recommendation would like to correct. It implies a tacit disapproval of the BIA's current method of funding education and would like to replace it with their concept of a "funding package" based on identified educational need. The recommendation admits to the probability that the BIA will not have sufficient funds to meet needs; therefore, financial support external to the BIA should be brought into the funding package and system.

The basis of the recommendation rests on a tribal education needs assessment, which is also mentioned and is covered in Recommendation No. 33. Such an assessment would emanate from perceived needs of a tribe and would probably describe many needs that are not now being met.

The entire scope of needs would be translated into an education program, which in turn would be packaged for funding. The package would be composed of different funding sources.

The package concept would add order and system to the funding process but it would also require very much larger appropriations. In fact, it is probable that the package would be at least 50% more than what is now the case. The increase would be for programs that have not yet been developed. For instance, a conventional school program covers basic instruction in the skill subjects of reading, writing, and math. Social studies, arts, physical education, home economics, shop, etc., are included too. The extradordinary needs that would come forth in a tribal needs assessment would be unique to the members of the tribe. Recent assessments have indicated needs regarding cultural studies and support mechanisms for poverty and family disorientation. There are no educational programs in these areas that are well developed. As an example, the arithmetic curriculum is well established and teachers are taught how to handle it. A program in Indian cultural studies isn't developed and teachers have little notion of how to handle it. It would have to be developed -- and this is expensive over a period of years. The same could be said of family support programs and bilingual education.

The recommendation also calls for commitments in terms of years to support the package funding of tribally identified needs. Regarding the BIA, this would require enabling legislation as Appropriations are made annually in the Appropriations law for the Department of the Interior. It is possible that non-BIA funding would be for a period of years, which would be part of the package.

The concept of Central Office Education being organized and operated in a manner similar to that of a state department of education (which is suggested in the treatment of Recommendation No. 30), would support the seeking of non-BIA funds. A state department of education does seek and make funds available to school districts from non-state sources. The BIA has also been doing this over the past ten years, especially since the Elementary and Secondary Education Act was passed. The development of non-BIA sources of funds is compatible with the organizational structure of BIA.

The funding package does not address the concept of equity in educational finance. Since it is based on identified educational need, equity simply doesn't enter into the scheme of things. Likewise, equity is not part of the BIA's current funding system.

The funding package concept would provide order in the process and would also improve accountability. Order would come from the needs assessment which includes goals and objectives development.

In researching this recommendation the follow-up committee investigated current efforts of the BIA regarding funding which were being carried out under contract via the National Institute of Education to the Education Commission of the States. The contractor provided a demonstration of work they had done on the BIA funding system.

The Education Commission of the States utilizes a foundation program in developing a basic allocation system. The system is based on six weighted factors. These factors do have a relationship to need, but the determination of need in some important instances is borrowed from state practices. They borrowed from state practices because BIA did not have available historical cost data regarding bilingual education and special education, as examples. They have conducted an extensive analysis of present and past funding practices of BIA schools and their funding system would provide structure to the BIA budget process. In summary, they have provided a system for funding that has flexibility to meet extradordinary needs, mostly bilingual education and special education.

A formula approach would be much different and would relate to other factors. Formulas suggested in other Indian Education finance work have been related to public school costs. For instance, BIA schools would be funded according to a certain percentage of the average per capita costs of the public schools on or near reservations. In this approach the need factor is assumed to be part of the state funding program.

The follow-up committee also reviewed the existing BIA funding system and found it summarized rather well in the Introduction to the report of the Education Commission of States. The Commission said:

> "Currently, all BIA and contracted, i.e., tribal controlled, schools receive their education funding from Federal appropriations from the Department of the Interior, the Bureau of Indian Affairs (BIA) and the U.S. Office of Education, disbursed through a process of discussion and negotiation through the 12 BIA Area offices. There is no systematic procedure or process within BIA that governs or regulates the process of allocating funds to BIA or contract schools. Although different Areas and Agencies may use systems, methods or procedures to determine the funds that will be allocated to schools within their jurisdictions, the mechanisms are not utilized systemwide. It would not be unfair to characterize the funds allocation process as a bargaining process that begins from the school and moves through the agencies and areas to Washington, D. C., and then goes back down the line to the school level. It probably also would be fair to characterize the process as a political bargaining process because if areas, agencies or schools are unsatisfied with initial allocations, they ask for asistance from their representatives in the Congress, which often results in an increase in their allocation.
>
> This process of funding BIA and contract schools, however, has come under severe criticism in the past several years for a variety of reasons (American Indian Policy Review Commission, 1977, and General Accounting Office, 1977). In fact, criticism of the current methods of funding BIA schools has been mounting in recent years, with the Indian community calling for more direct control of BIA schools. Although there are now about 30 contract schools, i.e., schools run and controlled by tribes under contract with the BIA, the number of contract schools is less than that anticipated in 1972 when the then Commissioner of Indian Affairs anticipated that half of BIA schools would be under direct tribal control by 1976. However, in the main, the financing of contract schools is accomplished through the same process of political bargaining as regular BIA schools, even though the tribes and representatives of the federal government negotiate as co-equals in the process."

In reviewing educational needs assessments the follow-up committee researched those carried out by the BIA. Past experience has shown that when BIA can provide general education needs assessment data it is used by tribes to conduct their own. The BIA Education needs assessment identified general needs, whereas, tribal needs would be specific. Identified needs provide a defensible position for BIA in developing more appropriate Education programs -- and more appropriate funding mechanisms. It is unfortunate that the Education Commission of the States had to look to state bilingual programs for funding data. It is unfortunate because state programs in New Jersey and New Mexico, which are two states used, are for Spanish-English programs. Knowledge of Indian bilingual education programs, though informal, indicates that it is at least 500 percent more expensive than for European languages.

The recommendation also mentions local commitments in funding schools. This was interpreted to mean that schools should be funded directly without intermediate offices participating. This would mean that Area and Agency offices would be excluded from the funding process regarding schools. The practicality of excluding intermediate offices is questioned.

The follow-up committee was concerned about the inclusion of school facilities in the funding of Education programs. Procedures governing new facility construction are now long and very, very detailed. These procedures are so cumbersome as to exclude school facilities from the current budget planning processes. The follow-up committee believes the facilities question to be key to funding and it should be brought into the process.

III. Alternative Approaches:

A. Alternative #1:

The BIA should provide an Education program to Indians based on the package funding of tribally identified education needs.

PRO	CON
- Provide a defensible expansion of education programs	- Too expensive to ever fund
- Improve quality of education	- Raise expectations beyond reasonable probability to fund
- Improve staffing	- Increase time needed to carry out program
- Provide for greater tribal input and control	- Would not fit current system regarding personnel ceilings
- Establish order in the education funding mechanism and program	- Unrealistic
- Provide improved accountability	- Inequitable

Impact:

Much greater appropriations would be required and would improve quality of education. More tribal control of entire education programs. It establishes a relationship between funding and education programs. More staff required to carry out. Would probably raise expectations beyond the practical expectation of fulfillment.

B. Alternative #2:

BIA should provide an education program based on a BIA education needs assessments combined with a foundation funding mechanism related to identified needs.

PRO	**CON**
- Provides equity in funding	- Expensive, much more than current level of funding
- Requires only modest change	- Really don't know exactly how it would work
- Provides order in the funding	- Require too much staff time to carry out
- Improved efficiency	- Require too much adjustment and corresponding problems moving from non-equity system
- Improved accountability	
- Tribal input to needs determination	
- Allows flexibility for extradordinary needs	
- Practical	
- Provides order in Education	

Impact:

Additional appropriations would be required to support implementation. Improved quality of education would be a probable outcome. Education program would relate to the funding in a more realistic manner. A form of equity in education would become part of the Education program.

C. Alternative #3:

Leave the funding of Education and identification of education need as they are.

PRO	CON
- Less expensive	- Doesn't follow its own guidelines
- Fewer problems	- Does not have equity as part of it
- Already has tribal priority system in effect	- Does not accommodate school facilities
- Adequate to take care of inflation and salary increases	- Does not allow flexibility within education
- Has a system of need built in	- Does not provide for educational need
- No loss of efficiency due to change over to another system	- Poor accountability

Impact:

There would be virtually no impact other than maintain the current system and its related happenings. There would be no relationship between education achievements and funding. This alternative is under extreme criticism at the present time.

IV. Recommended Alternative:

Alternative #2 is recommended. This alternative is a reasonable compromise between the ideal and the status quo. It does provide equity in funding, improves the funding mechanism within Education and allows for flexibility regarding the extraordinary needs of Indian education.

DECISION DOCUMENT

Recommendation #35

Discussions with tribal leaders and educators in the Indian community revealed a strong belief that Indian education should remain in the Bureau of Indian Affairs and not be placed in another Federal Department or Agency.

I. Objective

Same as above recommendation.

II. Background

The historical role of education in the lives of Indian people was one wherein control was vested in authorities outside the tribal governing structure. Since colonial times, control of Indian education has been vested in missionaries and Federal educators and Indian communities have been largely ignored. However, the recent passage of Public Law 93-638 has provided Indian tribes a mechanism to assume control of education programs. What other Americans have taken for granted since the first Europeans set foot on America, namely, to control the education of their children has only recently be extended to Indians on reservations.

Procedures for effecting Indian control of education have been worked out and are being implemented through the Bureau of Indian Affairs. All tribes and BIA employees have been informed and trained about how to assume control of education programs. The entire policy, law and regulations are involved and full implementation will take several years. Now, with what appears to Indians to be a suddeness, it is being proposed at the highest level of Government that the BIA's Education program be moved to a new Department of Education. Even before the new policy and law in support of Indian Self-Determination can be fully implemented, a basic change is proposed. This proposed move to the Department of Education strikes genuine fear in the hearts and minds of Indians throughout the country as there is a real potential for losing much of what has been gained in controlling the education of their children.

The move of BIA Education to the new Department of Education represents a further, serious erosion of the concept of "American Indian Affairs" within the Federal structure. First, medical and health services were moved during the mid 1950's to the Department of Health, Education and Welfare. Now, it is being proposed that education be moved. The net effect will be to further disperse Indian affairs as a function of the Federal government. This is a fact rather than a conjectural result of the move.

The role and function of "Indian preference" in the Department of Education has not been addressed in any of the material reviewed by the follow-up committee. It is a fact that the substantive committee in the House of Representatives has not been supportive of Indian preference. This lack of support is reflected in its recent actions regarding H.R. 15 that cover the reauthorization of USOE's Office of Indian Education. It is known that the Director of this office desired to have Indian preference included in the reauthorization bill and that he apparently did not receive support from USOE, the Department of Health, Education and Welfare, and the Committee in the House. What will happen to Indian preference in the move of BIA Education to the Department of Education? Copies of S. 991, which were reviewed by the follow-up committee, did not contain reference to it.

The Department of Education is being established to:

> "....address itself to the effective administration of our education programs. The Secretary of Education would advise the President on goals and priorities. The Secretary would develop policies and programs to foster development of educational facilities and resources; exercise leadership in coordinating Federal activities affecting education; and provide leadership by conducting studies, making recommendations and administering discretionary programs to facilitate the continuing development of American education. Also, comprehensive planning by State and local governments would be encouraged."

Does the nation n[illegible] a Department? It is noteworthy that the Federal Constituti[illegible]s not mention education, therefore, it is reserved to the states. The recent policies and laws in Indian education in the Bureau have been to move control from the national office of the BIA and its respective Area office to the tribes on their reservations. Now, the move of BIA education to a Department of Education threatens this move. Perhaps more disturbing than the move regarding Indian education would be the creation of a large, national Department of Education that might begin planning education priorities for states. The whole idea of a Department of Education should be seriously questioned let alone questioning the wisdom of moving Indian education from BIA to it.

The move of BIA Education to the proposed new Department of Education leaves serious concern relative to Indian Self-Determination regarding decisions affecting education; and no assurances that educational commitments existing in treaties, Executive Orders, and other Federal regulations will be fulfilled.

BIA education at the reservation level currently receives a great deal of support service from other BIA programs which fall under the direction of the Agency Superintendent. In the present structure, the Agency Superintendent may direct all of his work force in a coordinative manner, thereby, providing maximum service to all Indian people on the reservation. The new proposed Department of Education does not address this unique relationship or its continuance.

It is important to note that the BIA at all levels has been consulted regarding the new proposed Department of Education. The vast majority of responses opposed the moving of BIA education to a new Department. The Areas, Agencies and local schools have voiced great concern regarding the need for such a Department, particularly for Indian education. Perhaps the most opposition is coming from tribal groups and the follow-up committee feels the final determination on this recommendation should be discussed with tribal governments.

III. Alternative Approaches:

A. Alternative #1:

Move the BIA Education Program from the Department of the Interior to the New Department of Education.

PRO	CON
- Unite all Federal Education Programs	- Loss of trust responsibility
- Improve operating procedures	- Reduce human resource development
- Eliminate duplication of services	- No authorization for tribes to contract
- Reduce personnel costs	- Loss of Indian preference
- Better coordination	- Reduce quality of Education services
	- No tribal support
	- Put tribes in a position of national funding competition
	- No coordination of Indian Education with other BIA programs
	- Bypasses the tribes
	- Abrogates the rights of Indian parents to determine the future of their children
	- Loss of appropriated monies
	- Reduced supplemental monies

- Reduce quality of Indian services

Impact:

The move of Indian Education from the BIA to the new Department of Education would have a serious negative effect not only on Indian education, but the whole state of Indian affairs.

The Bureau has only recently addressed the total needs of Indian Governments by establishment of P.L. 93-638, which gives tribal governments the authority to contract for services. The Bureau is committed to provide services or allow tribal government the option for contracting services. Transfer of BIA Education to the new Department would defeat the primary mission and/or objective of Indian self-determination that the Bureau is presently working to achieve.

Transfer of the BIA Education function to the new Department is contrary to the intent and goals of P.L. 93-638. Tribal planning and participation in Federal programs will be negated. The Bureau has a commitment to Indian self-determination and as a result is in a position to allow greater Indian control of the education process than a new Department of Education would allow, which has no commitment to Indian affairs.

It is felt by the follow-up committee that moving BIA Education to a new Department at this time would have a tremendous negative impact on Indian education. The Bureau must provide to Indian governments the changes good or bad that this proposed move would bring about. A considerable length of time must be given for study, consultation, discussions, etc., so that Indian people themselves are knowledegable of what might happen as a result of the move. Only after the issues have been answered should a decision be made. This decision can only be made by tribal governments.

B. Alternative #2:

Keep BIA Education in the BIA and transfer all other Office of Indian Education programs to the BIA.

PRO	CON
- Centralize all Indian education programs	- Create administrative problems in transfer from Office of Education to the Bureau of Indian Affairs
- Reduce cost of operations	
- Eliminate duplication of effort between BIA and U.S.O.E.	- New legislation would be required
- More coordinated approach	- Possible loss of Indian preference

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- Schools deal with only one agency for funding
- More effective in carrying out trust responsibility
- Allow tribal governments easier access to programs
- Expand P.L. 93-638 contracting authority
- Expansion of Indian Self-Determination
- Retention of Indian Preference
- Less confusion for tribal governments as to who administers programs
- Better accountability

- Policy, funding and personnel problems would result
- Expand our constituency

Impact:

This will allow for the centralization of all educational programs into one unit that would provide a comprehensive Indian educational strategy for better delivery and expansion of educational services to meet the educational goals for the Indian people.

This method will, also, reduce the number of Federal agencies that the tribes now deal with and would then allow the BIA to provide the tribes with prompt responses regarding funding. There would be a better coordination of educational funds within the Bureau to properly plan for the overall educational needs and school construction projects.

In keeping with the BIA's obligation to address the educational needs of the Indian people, it will maintain Indian preference, self-determination, and facilitate the coordination of Federal Indian education data base.

IV. Recommended Alternative:

The follow-up committee recommends Alternative No. 2. Alternative No. 2 is recommended because of the impact it would have on Indian education, as opposed to Alternative No. 1 which the follow-up committee feels would be extremely harmful to the state of Indian affairs in general.

DECISION DOCUMENT

Recommendation #36:

The Assistant Secretary and the top management of the Bureau of Indian Affairs should: -Clearly define the consultation for identifying appropriate persons or groups to consult -Develop guidelines for determining when consultation is appropriate.

I. Objective:

To enable the Fderal Government through consultation, to reach informed decisions which affect the lives of tribal groups thereby strengthening the government-to-government relationship and meeting the trust responsibility.

II. Background

When Indian tribes were declared quasi-sovereigns in the Commerce Clause of the United States Constitution it was intended that there would be communication between the two governmental entities.

The very nature of the relationship between the government and Indian tribes obligated both parties to communicate in arriving at decisions which affect this government-to-government relationship.

However, the consultation process between the Federal government and American Indian tribes has regressed to a compilation of facts and opinions collected on a haphazard basis used at random at the discretion of Bureau officials or in keeping with the prevailing Indian policy. At times, consulation with tribes has been non-existent.

Moreover, lacking clearly defined guidelines, the consultation process has fallen prey to the shifting of Federal Indian policy through the years; a situation which is not compatible with the intent of the founding fathers of this country.

President Richard M. Nixon's historic messege of July 8, 1970 annunicated a new policy of self-determination for American Indian tribes. This policy, which called for tribes to have a voice in the affairs which affect their lives, has been consistently reiterated by the Ford and Carter Administrations. The Self-Determination and Education Assistance Act of 1974 underscored the commitment of the Federal government to acknowledge the tribal right for a stronger role in the decision making process.

Such consultation is not only desirable, but necessary if the government-to-government relationship is to remain strong and the trust responsibility of the United States government is to be met.

III. Alternative Approaches

A. Alternative #1:

Direct all Bureau offices to determine (1) functional areas which involve consultations (2) when consultation is appropriate, and (3) to identify groups to be consulted for each of their administrative or program functions. Regulations to be published in 25 CFR.

Pro	Con
- Sets forth clear, concise definition of purpose and scope of consulation process	- May cause confusion in areas where functions overlap
- Sets down tangible guidelines to be used determining individual responsibility	
- Involves Bureau officials who can provide most significant input in determining who and when of the consultation process	
- Makes the Bureau more responsive to tribal concerns and priorities	
- Gives tribes clear avenues to approach consultation process in functional areas	
- Eliminates buck-passing	
- Publication in 25 CFR would underscore concept of self-determination policy consistent with 638	

Impact

Defining the consultation process increases the sense of participation by tribes; would eliminate some tribal animosity toward the Bureau. Regulations in 25 CFR would significantly emphasize the self-determination principal. It would make tribes aware of what consultation is, as well as what it is not and more aware of what their rights are in the process.

A better working relationship would evolve. It would enhance compatibility internally, and with tribes, Indian organizations and others; document the decision making process and would not conflict with other systems of consultation already established. It could however, create an excessive workload situation if not adequately delegated and disseminated throughout the various levels of the Bureau this problem need not be insurmountable. Training and technical assistance may be needed in the initial stages.

B. Alternative #2:

Define the consultation process and establish a network of advisory groups to consider alternatives and supply feedback. Organizational aspect of network to be established in 25 CFR.

Pro

- Sets forth clear concise definition of the consultation process
- Sets down tangible guidelines to be used in consultation process

Con

- Cumbersome
- Expensive
- Not cohesive
- Difficult to establish and manage
- Slow response time due to regionalized locations
- Turnover of people will always be a disorganizational factor

Impact

Defining the consultation process would give Bureau direction in involving itself with the preferences of tribes. A network of advisory groups would solidify tribal input on issues important to tribes. Formation of cousultation groups would link tribal leaders with common interests, and feedback from tribes would be assured. However, time could be a problem since groups would have to meet to discuss issues. Also, there is a danger that group members themselves might not fully participate with their own tribes in seeking consensus on issues. Cost is a factor. No action plan is submitted for this alternative because the disadvantages outweigh the advantages.

C. Alternative #3:

Establish a consultation office within the Bureau structure to identify issues and appropriate participants for the consultation process on a cyclical basis and/or as needed.

Pro	Con
- Has visibility	- Difficult to establish budget and ceiling
	- Expensive
	- Layers the bureaucracy
	- Isolation factor is possible

Impact

This approach would emphasize the significance the Bureau of Indian Affairs is attaching to the consultation influence. The Director would have the option of contacting and maintaining resources people in Area offices to work with him as well as coordinating with tribes, agencies, individuals and others as needed or as the occasion demanded. This office would handle all consultation issues, freeing other divisions from the task. On the other hand, so much visibility might force the office to assume the mantle of a program rather than a facilitator of a Bureau-wide operational philosophy and in that instance, the function could suffer program isolation and indifference. The cost and position ceilings might be difficult to establish and would certainly be time consuming. Still once the system was operational, the timeliness of feedback would be an expected benefit. No action plan is submitted because the disadvantages outweigh the advantages.

D. Alternative Adjunct*

Infuse "Consultation Papers" into modus operandi of each alternative.

Pro	Con
-Would cite important issues	None
-Would provide concise informative summary	

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*As indicated, "Consultation Papers" explained in the Alternative Adjunct would also be incorporated in Alternative One as a means to facilitate consultation once the alternative has been processed and implemented.

- Would include impact, pros and cons of each issue.
- Tribes could easily digest and assess issues

Impact

Consultation papers should be prepared at the Central Office and Area Office level for consideration by tribes and others. It would be the duty of the Superintendents to make these papers available for tribal council consideration whenever possible, and certainly to tribal officials for comment. Feedback would be through the Superintendent to the appropriate Bureau official. To facilitate the process, a synopsis of feedback recommendations from these papers could be made at the Agency and Area Office level. In this way, possible workload problems could be avoided by disseminating them throughout the Bureau organizational structure.

Some method should also be initiated to notify individuals, groups or tribes that their contributions have been received and were considered.

Discussion

We believe the consultation process to be one of the most important obligations of the Bureau of Indian Affairs in its dealing with tribes, Indian organizations, Federal agencies, and others.

Primary consideration, of course, should be given to consultation with tribal governing and administrative bodies. But it should not stop there. The consultation process should also extend to Indian organizations on a national, regional and local level, other Federal agencies, and with others. This latter group might include tribal attorneys, state officials, and individuals or groups concerned with Indian issues. Since consultation is the "check and balance system" for creating understanding and alleviating opportunities for misinterpretation, the process should provide opportunity for input from these other resources. These include major Indian organizations established by the tribes themselves to be a central and common voice. Most importantly, it should be clearly spelled out in the definition that consultation does not convey veto power by tribal groups or others. Rather, the purpose of the consultation process would be to legitimately consider alternatives in the decision making process. In alternatives one and two included here, the process itself would be spelled out in the definition, purpose and scope of the 25 CFR format.

Consideration must also be given to insure that the regulations in 25 CFR are flexible enough to deal with the complex nature of the specific area. It would be counterproductive to lock-in the "who" and the "when" to the exclusion of all possible choices. Such regulations should be stated in broad enough terms to make the process workable.

Whatever consultation process is utilized, it requires solid and enthusiastic support from the Assistant Secretary and other top Bureau officials. The benefits of such a process could be great and would extend throughout all inter/intra government relations.

IV. Recommended Alternative

We recommend alternative Number One be selected for implementation. It is the most viable in terms of immediately incorporating a philosophy of cooperation between Indian Tribes and the Bureau of Indian Affairs. Codifying a definition, purpose and scope with operating guidelines removes the casual and orderless approach to the consultation process.

In short:

- It is the most direct line to achieving a consultation relationship.
- There is minimal cost involved.
- It locks in the policy without sacrificing flexibility.
- In effect, it accepts and harnesses the moral obligation to consult without imbuing it with unnecessary confusion and rhetoric.

DECISION DOCUMENT

(Unsolicited)

INTRODUCTION:

The purpose of this unsolicited recommendation is to offer some assistance in changing the Bureau's image. Management is fully aware of the Management Information System, Computer System, Telecopier System, Mail System, Telecommunications System and Word Processing Systems used throughout the Bureau. Since Recommendation 19 (MIS) and 20 (data bank) deal with the fragmentation of Bureau systems, it became apparent that a consolidated document prepared to address this problem exclusively would have some merit. Therefore this recommendation addresses:

1. The reality of evolving technology.
2. The archaic communication equipment within the Bureau.

RECOMMENDATION: (Unsolicited)

The Assistant Secretary and top BIA Management should incorporate communications, computers and word automation into a fast, responsive system to accommodate its unique decentralized management system.

I. Objective

To facilitate a rapid exchange of information in order to expedite the delivery services and managerially strengthen the Bureau's capability to protect and advance Indian rights, strengthen tribal governments, and Indian natural resources.

II. Background

The web of electronic communication is spreading across the United States more rapidly than was even predicted by the futuristic scientist Arthur C. Clark. In 1945 he envisioned a world that would, in a short 100 years time, develop technology that would allow one individual to instantly communicate with anyone else in the world. Furthermore, that person would have access to all recorded information, including libraries, anywhere on earth.

Such forecasting, only 33 years ago, has already become a reality. There is a communication revolution in progress which has seen automated offices come into existence as well as library computer networks, and satellite communication systems.

The great corporate conglomerates, as would be expected, are using a variety of methods to transmit thoughts, data and secretive competitive information around the world. Surprisingly however, government itself is not unmindful of the great technology mosaic unfolding on the market.

Government and industry are not exactly abandoning the United States postal system but they are shifting to "electronic mail." In the forefront of this movement is the Department of Transportation which is several years into an *"integrated information system which includes an extensive voice communications capability, an on-line computerized data base, and a word processing center which we consider to be one of the most advanced in government or in business."

Congress is moving rapidly to install a computerized information reporting system for budget tracking. The Government has employed an informational micro-fiche system to respond to the log jam of telephone calls and inquiries resulting from its federal labor relations program. The Department of the Interior itself is readying a Computerized Directives system.

The purpose of this "think paper" then is to lay the groundwork for an attitudinal reawakening to the evidence of the "communication revolution" surrounding the Bureau of Indian Affairs.

At this time, the BIA is operating with obsolete communications systems including telecopiers, computers, telecommunciations and word processing equipment. It is quite evident that the Bureau lacks a central location for approving leases on purchases of the above mentioned systems and equipment. Different programs at the Central office and Area offices have leased equipment from verious vendors. Compatability, which should be standardized within the Bureau is practically void.

We are utilizing obsolete computers in Albuquerque. Consequently, the Albuquerque computer system cannot handle the workload for the Bureau. The result of this system was compounded by installation of various other computer systems in the Bureau which were not established as nationwide systems nor are they compatable with each other.

First generation telecopiers/facsimile machines have been in use in the Bureau to send/receive documents between/among Area offices and the Central office. These machines use a 4-6 minute cycle to receive or send a document. Generally, only documents which are deadlined, critical, essential, etc. are sent by telecopier.

Telecommunications (telephone systems) which is our general way of communicating between different offices in the Bureau is at best haphazard. No conference facilities exist between the Assistant Secrerary, Central Office Directors and Area Directors. What may be transmitted by telephone to 12 Area Directors by a conference call takes 12 telephone calls. Private lines between the Assistant Secretary and Central Office Directors do not exist.

Word processing equipment ranges from a proposed IBM system 6 which is a computerized piece of equipment to old IBM magnetic typewriter. Word

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* Government Executive, Sept. 1976

processing, equipment which enables the text to be changed, voved, corrected, repaginate, etc. simply by use of a controllable key board, has increased productivity, lowered output of unsightly letters, memoranda, directives, etc., to the extent that few offices operate without use of such a machine. But why stop here, why not go directly to a computerized system since we have access to a computer.

The whole picture looks like this:

BIA - Leases/owns communications systems including:

Computer System

Telecopier Systems

Telecommunications Systems

Word Processing Systems

BIA - Does not have current up to date communications system so therefore the Bureau needs to:

Plan

Organize

Schedule

Recommend

Adapt

Change

Forecast

Administer

III. Action Statement: Develop a communications network

PRO	CON
- Facilitate development of budgets and program priorities	- Initial changeover costs
- Establish better relationship with Congress, Office of Management and Budget (OMB)	- Difficult to effect a Bureau attitudinal change

- Streamline management and program systems
- Reconfiguration of Computer Systems
- More effective service
- Quicker exchange of information
- Increase Bureau effeciency
- Possible long range administrative savings of time and money
- Provide better service to Tribes
- Reduce management by crisis
- Assist top managers in establishing and obtaining management goals
- Strengthen line authority
- Eliminates non-responsiveness
- Creates pride within the agency
- Provides a means of disseminating a wide variety of timely information to tribes

Impact:

A changeover from present communications systems to proposed systems would be a long range goal. Planning would be very critical to ensure that manpower and funds expended would result in benefits to the Bureau.

The Central Office should be streamlined as much as possible first. This would serve to eliminate administrative wrinkles and also to aid in future planning for Area Offices and perhaps Agency Offices. Up-to-date communications systems would allow managers to make decisions based on current information. Our managers are sometimes non-responsive for various reasons: (A) They did not receive the written communication; (B) The managers did not understand that a response was necessary; and (C) Diluted line authority. We must reestablish a strong line authority and then adhere to it. The Bureau must accept the fact that its communication systems are outmoded and that new communications systems are necessary in order to develop:

1. Better services and improved goals for Indian Tribes.

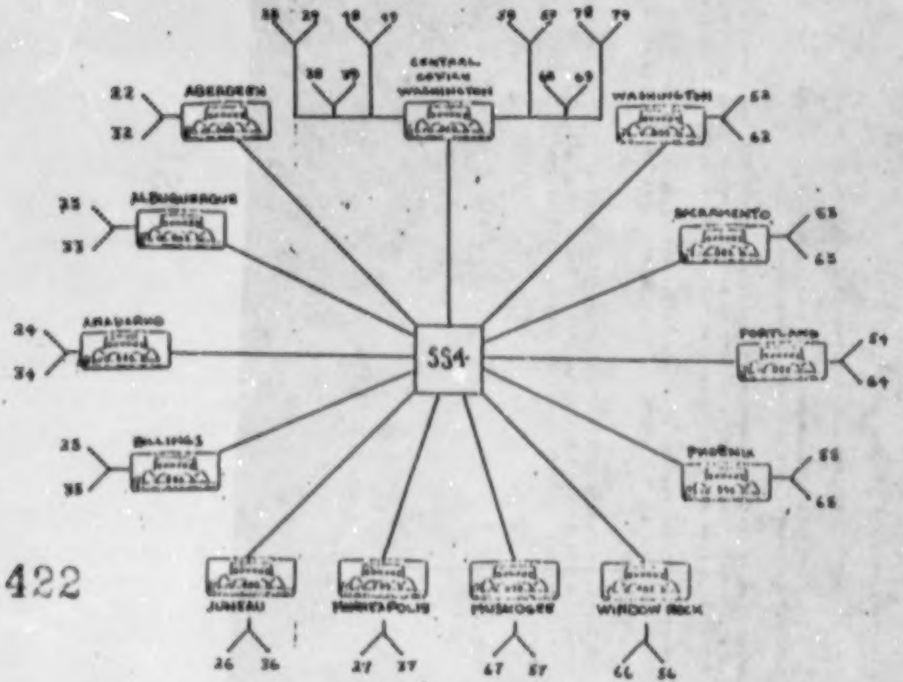
2. Significant improvements in morale, productivity, alertness, timeliness, respect and response to management.

Regardless of cost and manpower to change and update BIA communications, it will enhance the Bureau's ability to manage, improve programs to the public it serves and regain some lost initiative to perform its functions.

New equipment and systems offer more efficient methods, realiability, credibility and in this sense, a feeling that change really will bring improvements.

The Bureau of Indian Affairs is at a decision point in light of the communications revolution that could have broad implications for the overall service delivery and trust responsibilities charged to the agency.

B.I.A. FACSIMILE NETWORK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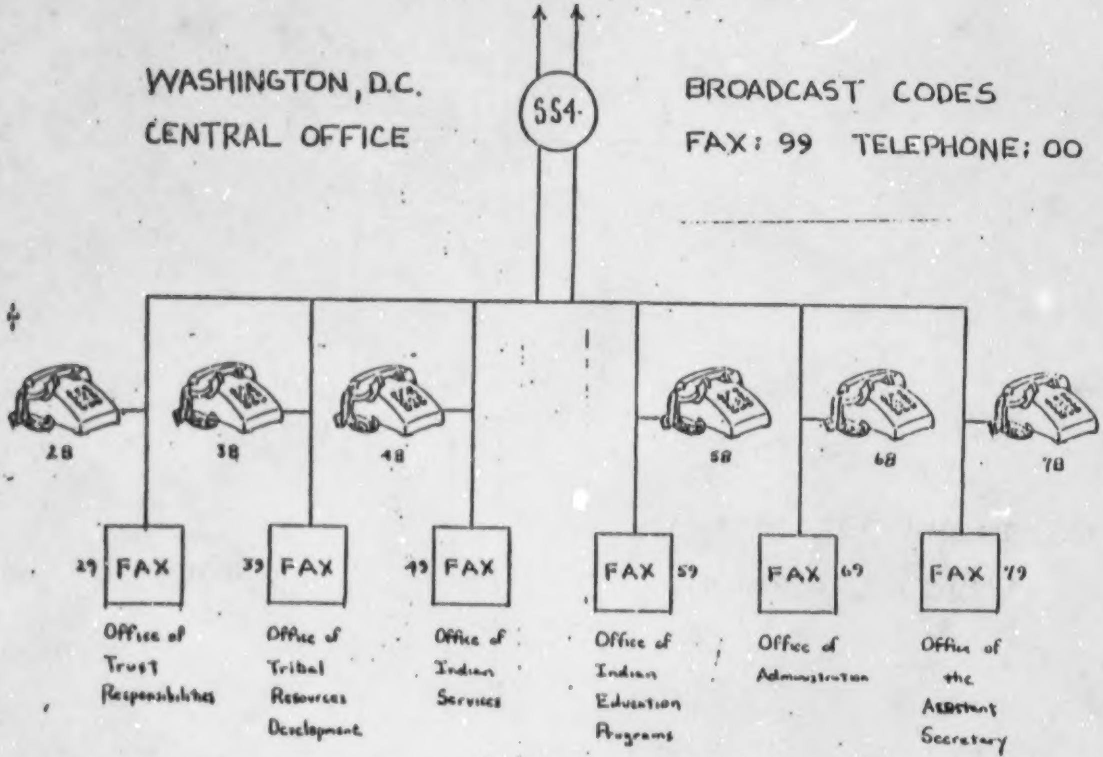
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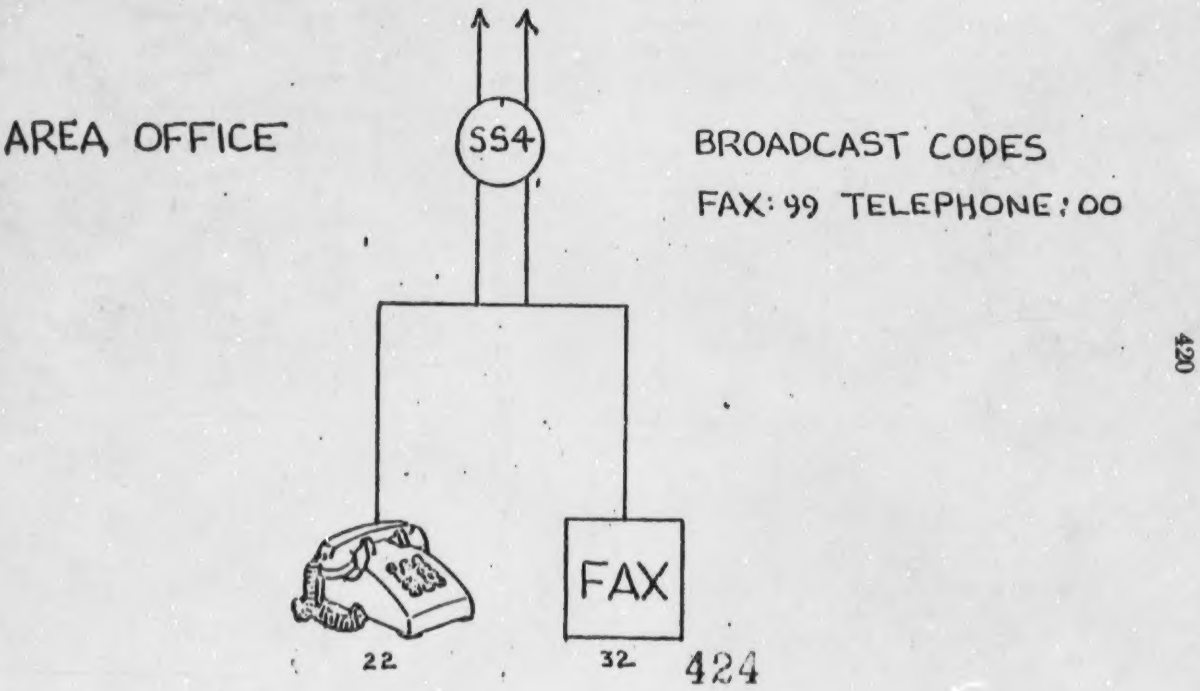
Office of Tribal Resources Development
Office of Indian Services
Office of Indian Education Programs
Office of Administration
Office of the Assistant Secretary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	Monthly	Installation
A - 4507 Miles @ $.54 -	$ 2434.78	-
B - (12) Main Telpak Service Terminals @ 43.30 -	519.60	$ 650.00
C - (5) Additional Telpak Service Terminals @ 21.60 -	108.00	271.00
D - (17) SS4 Station Packages @ 21.65 -	368.05	1836.00
E - (17) Privacy Features @ 4.90	83.30	277.00
F - (17) Busy Lamp Indicators @ 1.35 -	22.95	185.00
TOTAL MONTHLY RECURRING -	$3536.68	
TOTAL ONE TIME INSTALLATION -		$3219.00

- Minimum Service Period of 30 Days

- Mileage Assumes GSA Telpak Availability

SUPPLEMENTARY SERVICE COSTS

		Monthly	Installation
A - (1)	50 A Conference Set	$ 11.90	$ 55.00
B - (1)	Central Office Connection	1.90	16.20
C - (1)	Satellite Private Line to Alaska	2,700.00	-
D - (1)	Full Business Day WATS (240 Hours)	1,660.00	54.00
(1)	Full Business Day WATS Including Alaska (240 Hours)	3,474.00	54.00
E - (1)	Measured Time WATS (10 Hours) Each Additional Hour	242.00 18.15	54.00
(1)	Measured Time WATS Including Alaska (10 Hours) Each Additional Hour	351.00 24.20	54.00

AREA OFFICE

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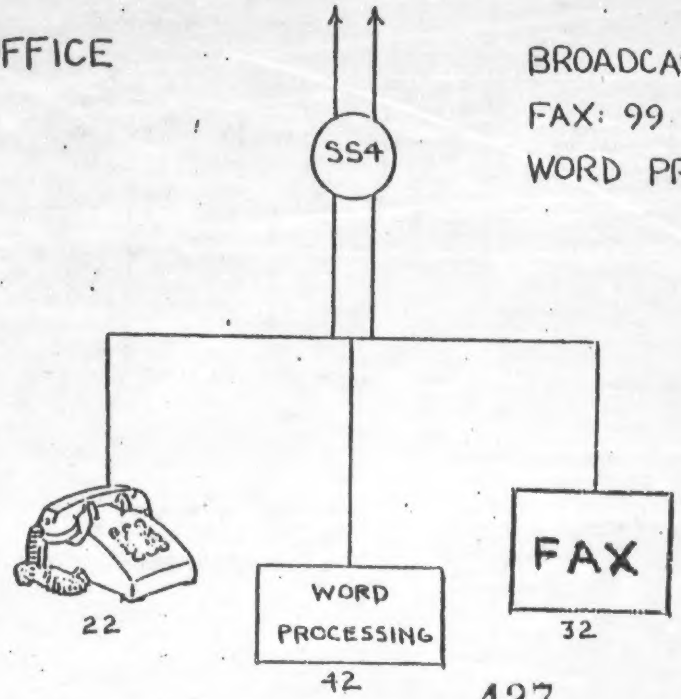
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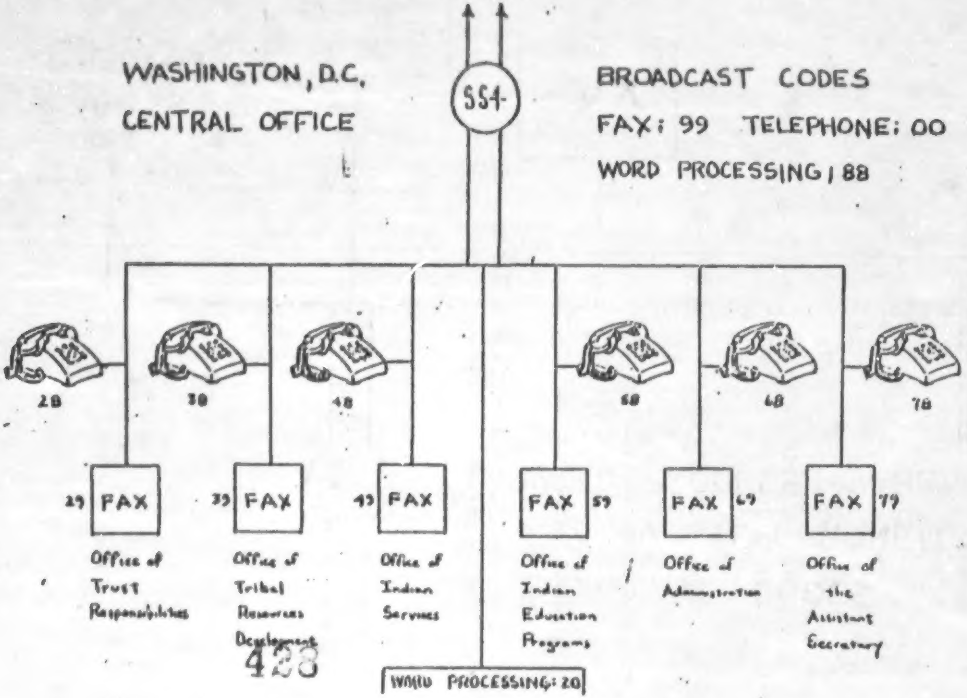
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Office of Trust Responsibilities
Office of Tribal Resources Development
Office of Indian Services
Office of Indian Education Programs
Office of Administration
Office of the Assistant Secretary
WORD PROCESSING: 20

ADDITIONAL INFORMATION

A - Service is available 24 hours a day and is not usage sensitive in relation to costs.

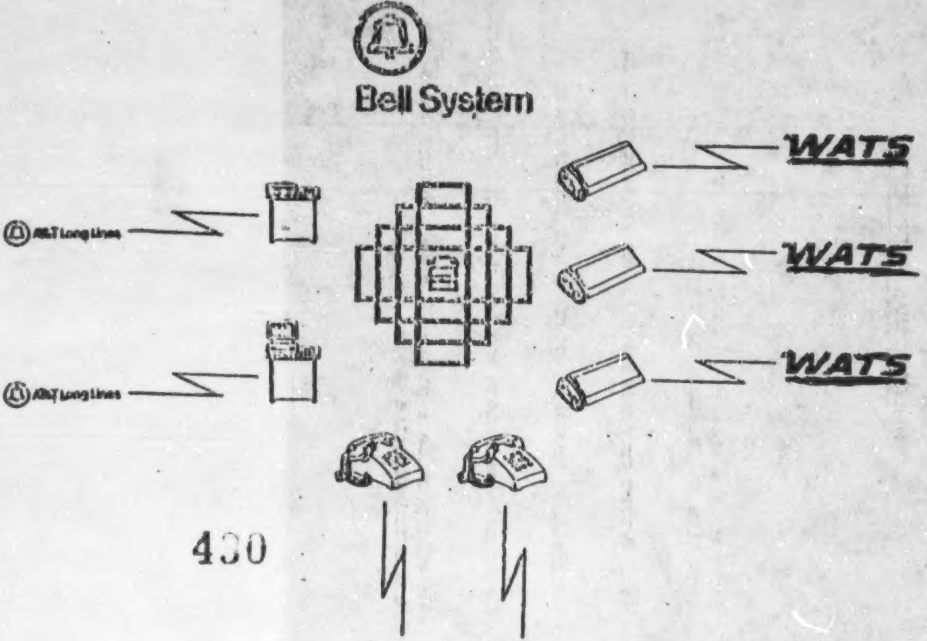
B - Bell System provides initial and ongoing training.

C - Centralized trouble reporting and maintenance.

D - Technical Assistance and interface for non-Bell equipment.

E - We will provide a joint BIA - Bell System users handbook and administrative guide.

INDIAN INFORMATION CENTER


Bell System
AT&T Long Lines
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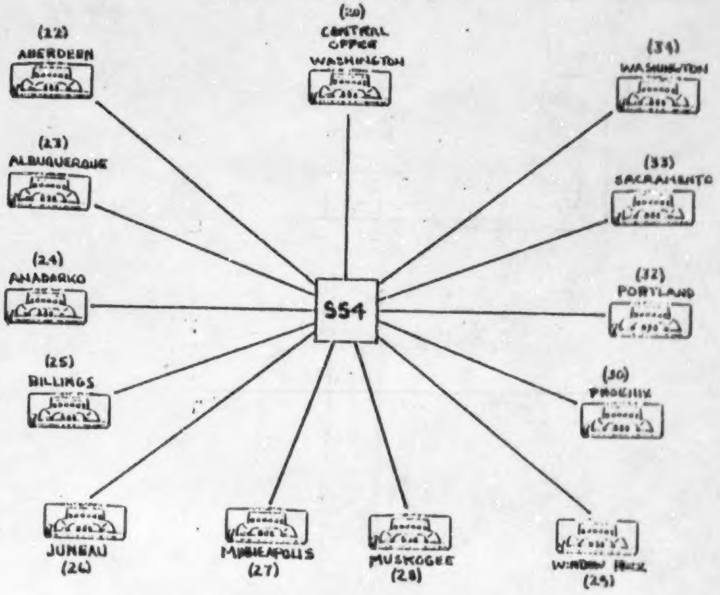
B.I.A. TELECONFERENCE NETWORK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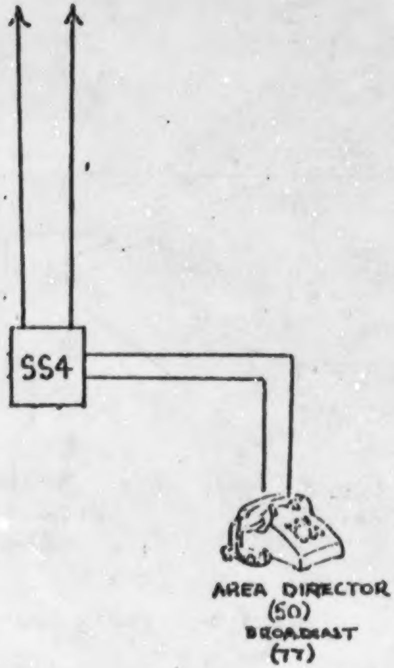
TYPICAL AREA OFFICE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AREA DIRECTOR
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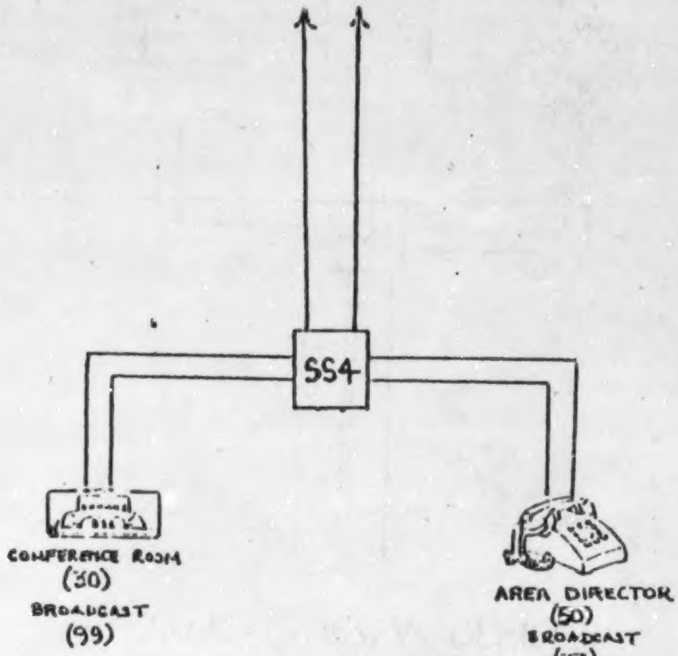
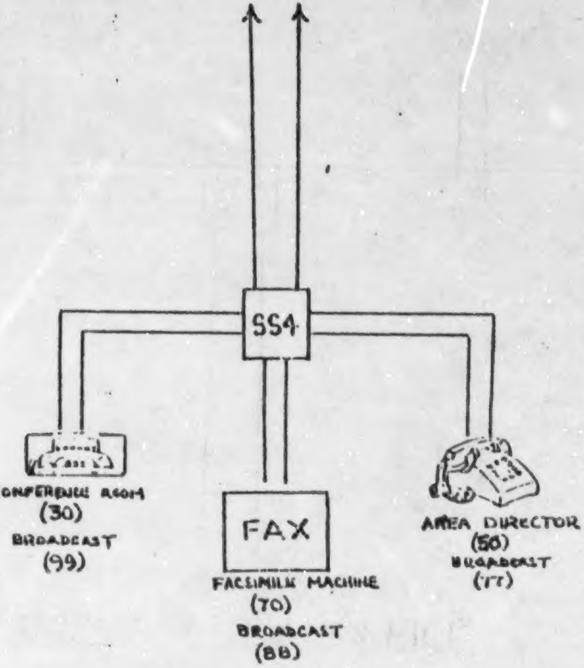
(77)

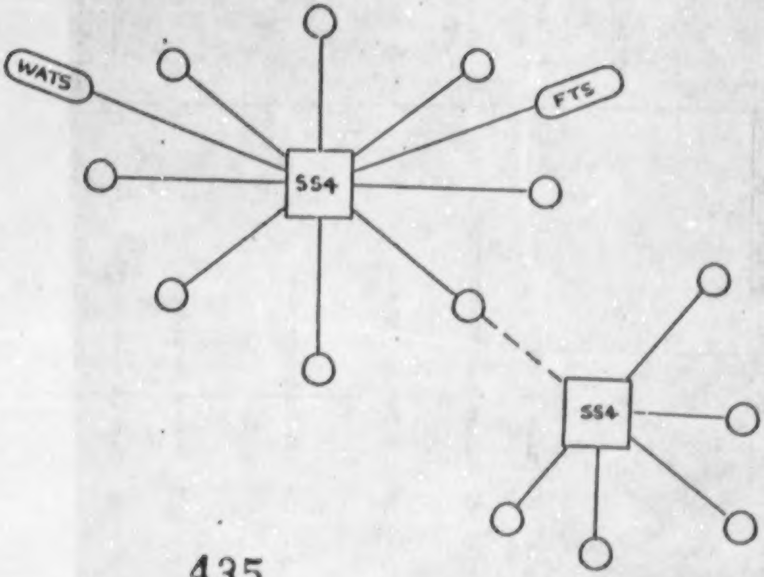
TYPICAL AREA OFFICE


SS4
CONFERENCE ROOM
(30)
BROADCAST
(99)
AREA DIRECTOR
(50)
BROADCAST
(77)

TYPICAL AREA OFFICE


SS4
CONFERENCE ROOM
(30)
BROADCAST
(99)
FAX
FACSIMILE MACHINE
(70)
BROADCAST
(88)
AREA DIRECTOR
(50)
BROADCAST
(77)

MULTI-NETWORK CONFIGURATION


WATS
FTS
SS4
SS4

BASIC SYSTEM COSTS

	Monthly	Installation
A - 4507 Miles @ $.54	$2,434.00	-
B - (12) Telpak Service Terminals @ 43.30	520.00	$ 650.00
C - (12) 554 Station Packages @ 21.65	260.00	1,296.00
D - (12) 50A Conference Sets @ 11.90	143.00	650.00
E - (12) Privacy Features @ 4.90	59.00	194.00
F - (12) Busy Lamp Indicators @ 1.35	16.00	130.00
	$3,432.00	$2,920.00

- Minimum Service Period of 30 Days.
- Mileage Assumes GSA Telpak Availability.

SUPPLEMENTARY SERVICE COSTS

		Monthly	Installation
A - (1)	Central Office Connection	$ 1.90	$ 16.20
B - (1)	Satellite Private Line to Alaska	2,700.00	-
C - (1)	Full Business Day WATS (240 Hours)	1,660.00	54.00
(1)	Full Business Day WATS Including Alaska (240 Hours)	3,474.00	54.00
D - (1)	Measured Time WATS (10 Hours) Each Additional Hour	242.00 18.15	54.00
(1)	Measured Time WATS Including Alaska (10 hours) Each Additional Hour	351.00 24.20	54.00
E - (1)	Teleconference Room Package*	300.00	500.00

*Approximate Rate

ADDITIONAL INFORMATION

A - Service is available 24 hours a day and is not usage sensitive in relation to costs.

B - Bell System provides initial and ongoing training.

C - Centralized trouble reporting and maintenance.

D - Technical Assistance and interface for non-Bell equipment.

E - We will provide a joint BIA - Bell System users handbook and administrative guide.